

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10216 of 2026

Arising Out of PS. Case No.-411 Year-2025 Thana- NAWADA MUFFASIL District- Nawada

Surendra Kumar S/O Ashwani Kumar R/O VILLAGE- Bhalua, P.S. -
Nardiganj, DISTRICT- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 24-02-2026

Heard Mr. Deepak Kumar, learned counsel for the
petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises
out of Mufassil Police Station Case No. 411 of 2025, dated
25.09.2025, disclosing the offences punishable under Section
303(2), 317(2) of the BNS lodged by the Informant.

3. The prosecution case, as per the First Information
Report, is that on 25.09.2025, the police proceeded for day
patrolling and received an information that at Dhanarjay river,
sand is being excavated by JCB machine and being loaded on
tractors near village, Sikandarpur. Thereafter, a raid was
conducted, the accused persons managed to escape but the JCB
machine was recovered on the spot. This led to the FIR.

4. Learned counsel for the petitioner submits that
during course of raid, the JCB machine of the petitioner was



found to be involved in excavation near Dhanarjay river and the sands were being loaded on the tractors for which the FIR is said to have been lodged against this petitioner. Though, petitioner happens to be the owner of the said JCB machine but he is in no way involved in the said incident. Learned counsel further submits that the driver of the JCB machine was authorized to make excavation as per the requirement of the brick kiln owner but said to have exceeded his jurisdiction and got himself involved in the illegal excavation of the sand in the river, for which, the petitioner volunteers to deposit Rs. 1,00000/- (One Lac) before the Mining Officer/Assistant Mining Officer without accepting his guilt.

5. Learned counsel representing the Department of mines opposed the prayer for anticipatory bail.

6. Regard being had to the submissions advanced on behalf of the parties and taking into consideration that there is nothing on record as to whether sand was excavated and if so, to what extent of excavation has been made, petitioner happens to be the owner of the JCB machine and the petitioner is ready to pay Rs. 1,00000/- (One Lac) before the Mining Officer/Assistant Mining Officer, this Court is inclined to grant the petitioner privilege of anticipatory bail.

7. The anticipatory application for bail stands allowed.



8. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Nawada in connection with aforesaid Police Station Case subject to the payment of Rs. 1,00,000/- (One Lac) before the Mining Officer/Assistant Mining Officer along with the condition as laid down under Section 482 (2) of the B.N.S.S. 2023, as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail



(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/her bail bonds.

(Ajit Kumar, J)

perwez

U		T	
---	--	---	--

