

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11262 of 2026

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

Balmiki Chauhan Son of Faudari Chauhan Resident of Village- Aamipur, P.S.-
Mufassil, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Adv.
For the Mines Dept.	:	Mr. Naresh Dikshit, Adv.
		Mr. Brij Bihari Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the Mines Department.

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 co-accused Surrendra Kumar of which the petitioner is a driver, 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 and the owner of the alleged JCB. The petitioner happens to be the driver of the alleged JCB, who has been falsely implicated in this case for ulterior reasons. The JCB was actually engaged in making excavation as per the requirement of the brick kiln owner but, as per allegation, the same is exceeded its jurisdiction and was found involved in the illegal excavation of sand from the river. The owner of the JCB, namely, Surendra Kumar had earlier moved before this Court with a prayer for grant of anticipatory bail and, this Court, vide order dated 24.02.2026 passed in Cr. Misc. No. 10216 of 2026, granted privilege of anticipatory bail to him, subject to payment of Rs. 1,00,000/- (one lack) to be deposited before the Mining Officer/Assistant Mining Officer without accepting his guilt.

5. Learned counsel for the Mines Department appears in this case and opposes the prayer for anticipatory bail of the petitioner.



6. Regard being had to the submissions advanced on behalf of the parties and taking into consideration that the owner of the alleged JCB has already been granted privilege of anticipatory bail by this Court and the fact that the petitioner bears no criminal antecedent, let the petitioner, who is a driver of the JCB, 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 Mufassil P.S. Case No. 411 of 2025, subject to the conditions 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 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 bail bonds.

(Ajit Kumar, J)

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