

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15567 of 2026

Arising Out of PS. Case No.-24 Year-2013 Thana- PARAIYA District- Gaya

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Kamlesh Kumar @ Kamlesh Pandey S/O Suresh Pandey Village -
Parsanwan , P.s- Magadh Medical, District -Gaya jee

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bihar Mines and Mineral Department BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brijmohan Das, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 12-03-2026 Heard Mr. Brijmohan Das, learned counsel for the

petitioner, learned counsel for the mines Department and

learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Paraiya Police Station Case No. 24 of 2013, dated
23.03.2013, disclosing the offences punishable under Section
406, 420, 379 of the IPC and Section 4/40 of the Bihar Mines
and Mineral Concession Rules, 1972 and 7/8, Bihar Mineral
Prevention Illegal Mining Transportation and Storage Rules,
2023 lodged by the Informant.

3. The First Information Report has been lodged on
the basis of written statement of the Director Mines and
Minerals, Gaya alleging therein that all the FIR named accused



persons run brick kiln without paying government revenue and without obtaining any valid permission causing loss of Government revenue.

4. Learned counsel for the petitioner, at the very outset, submits that the petitioner is ready to pay compound royalty which is quantified to the tune of Rs. 74,500/- as imposed against him. Learned counsel further submits that in the present case charge-sheet has already been submitted and cognizance has been taken against him.

5. On the other hand, learned counsel representing the Department of mines opposed the prayer for anticipatory bail. However, she further concedes that if the petitioner is ready to pay compound royalty, then, the privilege of anticipatory bail may be extended to the petitioner.

6. Regard being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the investigation is complete, charge-sheet has also been submitted and the petitioner is ready to pay compound royalty as quantified to the tune of Rs. 74,500/- before the Mining Development 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 Chief Judicial Magistrate, Gaya in connection with aforesaid Police Station Case subject to the payment of Rs. 74,500/- before the Mining Development Officer along with 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/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)

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