

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27346 of 2026

Arising Out of PS. Case No.-41 Year-2025 Thana- KOTHI District- Gaya

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Krishna Yadav @ Krishna Kumar, S/o Tetar Yadav, R/o Village- Kanargadh,
P.S- Kothi, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar (Mines and Minerals) Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s	:	Mr. Murli Dhar, APP
For the Department of Mines	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bhan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 17-06-2026 Heard the learned counsel for the petitioner, the learned A.P.P. for the State and the learned counsel appearing on behalf of Department of Mines.

2. The petitioner is apprehending his arrest in connection with Kothi P.S. Case No. 41 of 2025, registered for the offence(s) under Section(s) 303(2) and 317(2) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

3. As per the prosecution case, the allegation against the petitioner is that he along with others were carried out illegal mining of sand and the police recovered 100 cft. sand loaded on a trailer.

4. The learned counsel for the petitioner submits that



the petitioner has falsely been implicated in this case only because he happens to be the owner of the alleged tractor. It has further been submitted that there is no specific allegation against the petitioner. It has lastly been submitted that the petitioner has clean antecedent.

5. The learned A.P.P. for the State as well as the learned counsel appearing on behalf of Department of Mines have jointly opposed the prayer for bail and submitted that the petitioner may be released only after depositing the amount of fine prescribed under the statute.

6. Considering the aforesaid facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner, above-named, be released on anticipatory bail, in the event of his/her arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his/her furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Kothi P.S. Case No. 41 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the



Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as
subject to the following conditions :

(i) The bail bonds of the petitioner shall be accepted
by the concerned Court/successor Court only after
submission of receipt showing the deposit of fine by the
petitioner.

(ii) One of the bailors of the petitioner shall be
his/her close relative and the other shall be a local
resident.

(iii) The petitioner shall remain physically present
before the concerned Court on each and every date of the
trial and shall cooperate in the investigation.

(iv) In case of absence for two consecutive occasions
or in violation of the terms of the bail, the bail bonds of
the petitioner will be liable to be cancelled by the
concerned Court.

7. It is made clear that the observations, if any, made
in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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