

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31392 of 2026

Arising Out of PS. Case No.-130 Year-2025 Thana- NARDIGANJ District- Nawada

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Ajay Kumar Yadav @ Ajay Yadav Son of Ganauri Yadav R/o Vill. - Baniya
Bigha, P.O. - Tetariya, P.S. - Govindpur, District - Nawada, Bihar - 805102.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saurav Gupta Son of Late Suresh Prasad R/o Village and P.O. - Mahendru,
P.s. - Sultanganj, Dist. - Patna, Presently posted as Mining Inspector,
Nawada, Dist. - Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-07-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 191(1), 191(2), 125, 130, 132, 303(2), 317(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per F.I.R., petitioner is owner of one of the seized twelve tractors, which were allegedly involved in the illegal extraction of sand, causing a loss of ₹25,49,363/- to the Government.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case merely because he is owner of one of the seized tractors. He further submits that though, the tractor belongs to this petitioner, no mining activities are said to have been found during the course of seizure, and malicious liability to the tune of Rs. 1,00,269/- has been fastened upon the petitioner. He further submits that there is a specific provision under Rule 41 of the Bihar Minor Mineral Concession Rules Act, 1972, which prescribes filing a complaint case, whereas the FIR is contrary to the provisions of the legislation. Lastly, learned counsel for the petitioner submits that petitioner proposes to deposit Rs. 25,000/- without accepting guilt, which shall be adjusted in case liability is ascertained by following the process of law and also undertakes to pay any other amount for which this petitioner would be made liable in accordance with law. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged 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



A.C.J.M.-II, Nawada, in connection with Nadriganj P.S. Case No. 130 of 2025, subject to condition as laid down under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 with direction to the petitioner to deposit **Rs. 50,000/-** towards the liability fastened by the department concerned as well as on the following conditions:

- “(i) One of the bailors shall be the family member/relative of the petitioner, who shall provide official document to show his *bona fide*;
- (ii) The petitioner shall desist from committing any criminal offence again, failing which, the State shall be at liberty to take steps for cancellation of his bail bond.”

(Prabhat Kumar Singh, J.)

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