

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29564 of 2026

Arising Out of PS. Case No.-3 Year-2026 Thana- SHIVAJINAGAR District- Samastipur

1. Lal Babu Kumar S/O Ram Bilash Sharma @ Ramvilas Sharma R/O Village- Rajwara, P.S.- Baheri, Distt.- Darbhanga
2. Jitendra Kumar S/O Ram Prasad Singh R/O Village- Rajwara, P.S.- Baheri, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-05-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Shivajinagar P.S. Case No. 03 of 2026 for the offence under sections 303(2), 317(2) and 3(5) of the BNS and Section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Act.

3. As per the prosecution story, the informant alleged that a raid was conducted and it was found that the JCB machine and tractors are indulged in illegal excavation of soil for transportation. This led to the FIR.

4. Learned counsel for the petitioners submit that they own the JCB and tractor, it was a private land and further, they



do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that allegation of illegal soil excavation is there.

6. Taking into account the submissions of the parties as also the document/claim that it belong to private party and they do not have any criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of ACJM, 1st Rosera in connection with Shivajinagar P.S. Case No. 03 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioners 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 their



bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioners 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 bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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