

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30538 of 2026

Arising Out of PS. Case No.-258 Year-2025 Thana- TARIYANI CHOWK District- Sheohar

Rupesh Kumar S/o- Krishnandan Rai @ Krishnandan Ray R/v- Kolso
Motnaje Ps- Tariyani Dist- Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Minerals, through its Commissioner, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prabhat, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 24-06-2026 Heard learned counsel for the petitioner, learned
counsel for the Mines and learned Additional Public Prosecutor
for the State.

2. The petitioner is apprehending his arrest in connection with Tariyani P.S. Case No. 258 of 2025, F.I.R dated 16.12.2025 registered for the offences punishable under Sections 126 (2), 115 (2), 109 (1), 132, 3 (5) of the Bharatiya Nyaya Sanhita, 2023 and 21, 56 (2) of Bihar Minerals (Concession Prevention of Illegal Mining, Transportation & Storage) Rule 2019 .

3. According to prosecution case, on 15.12.2025 the Mining Inspector, informant, while conducting search raid



against illegal mining activities intercepted two tractors loaded with sand. Upon demand, the drivers failed to produce a valid challans and disclosed that Kunal Kumar and others were involved in illegal sand mining. It is further alleged that while the tractors were being taken to the police station, 08-10 unknown persons, armed with weapons and lathis, arrived in two four-wheelers, attacked the officials with an intention to kill, assaulted three personnel, and forcibly got the tractors released. Thereafter, on the basis of the occurrence, the names of Kunal Kumar, Munna Kumar, Rupesh Kumar, Rinku Kumar and other 04-05 unknown persons surfaced in this case.

4. Learned counsel for the petitioner submits that there is no material to show the involvement of the petitioner in the instant case, while there is no plausible explanation with the petitioner to revert the presumption that the petitioner is involved in illegal mining activities, looking to his antecedent.

5. At this stage, the counsel for the petitioner on instructions is ready to pay Rs.1,00,000/- to the Mining Department without accepting his guilt. The counsel for the petitioner further submits that the quantified amount, which have been proposed to be paid by the petitioner, may be directed to be accepted by the Mining Department in three installments,



which shall be paid by this petitioner in 06 months.

5. On the other hand, learned APP for the State opposes the prayer for anticipatory bail of this petitioner citing that there are ample materials to show his accomplicity, but since the proposal of the petitioner to compensate the loss caused to Mining Department by offering to pay Rs. 1,00,000/- without accepting his guilt.

6. Counsel for the Mining Department has no objection, if such proposals are made by the counsel for the petitioner to compensate the loss caused to the Department.

7. Considering the fact that the petitioner has proposed to compensate the Department of Mines on account of loss caused to the Department by paying an amount of Rs. 1,00,000/- in three installments within 06 months and first installment shall be paid on the date of furnishing the bail bond, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

8. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 the learned C.J.M., Sheohar in connection with the P.S. Case afore-mentioned, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit 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/her/their 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 bonds;

(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 their bail bonds.

(Ajit Kumar, J)

surya/-

U		T	
---	--	---	--

