

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27733 of 2026

Arising Out of PS. Case No.-118 Year-2023 Thana- CHANAN District- Lakhisarai

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1. Binay Kumar Mandal @ Binay Kumar Son of Gorelal Mandal Resident of Village -Churamanbigha P.S. -Chanan District -Lakhisarai
 2. Ajay Kumar Ajay son of Gorelal Mandal Resident of Village -Churamanbigha P.S. -Chanan District -Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mining Inspector, Lakhisarai Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For the State	:	Mr.Surendra Prasad Singh, APP
For the Deptt. of Mines	:	Mr. Utsav Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-04-2026 Heard learned counsel for the petitioners and learned APP for the State as well as learned counsel appearing on behalf of Department of Mines.

2. In the present case, the petitioners are apprehending their arrest in connection with Chanan P.S. Case No. 118 of 2023 registered for the offences under Sections 379, 411 of Indian Penal Code, Section 21 of MM(D & R) Act, 1957 and Rule 56(2) of BM (CPIMTS) Amendment Rules, 2021.

3. As per prosecution case, the informant found 2000 CFT of sand stored on a government land and on enquiry



the informant came to know about petitioners, who were found involved in illegal storage of the sand.

4. Learned counsel for the petitioners submits that the petitioners have been made accused in this case mainly on the ground that the accused was seen running away on a motorcycle from the storage site and the said motorcycle belongs to petitioner no. 1 and petitioner no. 2 is his brother. The petitioners have not committed any offence and they are innocent. The sand was stored in the land and petitioners have no concern with the said land or the stored sand. Petitioner no. 2 is a Press Reporter of Dainik Jagran Newspaper and has been covering Assembly election and he along with his brother has been made accused due to the enmity with the officials. The petitioners are having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of Department of Mines vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the Department of Mines submits that the petitioners were involved in the illegal mining of sand and their motorcycle was parked at the place where the sand was stored and were found.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



remote and vague nature of allegation and possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Lakhisarai/concerned court in connection with Chanan P.S. Case No. 118 2023, subject to the condition as laid down under Section 482(2) of the B.N.S.S. and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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