

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29202 of 2026

Arising Out of PS. Case No.-29 Year-2025 Thana- Shahpur P.S. District- Nawada

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1. Mukesh Kumar S/o Badri Yadav Resident Of Village- Sakarganj, Ps-Kashichak, District- Nawada
 2. Ramchandra Yadav s/o Prasadi Yadav Resident Of Village- Sakarganj, Ps-Kashichak, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mining Department, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sheo Kumar Prasad, Advocate
For the Opposite Party/s	:	Mr.Satyendra Prasad, APP
For the Mines Deptt	:	Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-05-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Shahpur PS Case No. 29 of 2025 dated 9.3.20025 instituted
under Sections 303(2), 317(2) of the BNS.

3. The prosecution case, in brief, is that acting on
secret information on 09.03.2025 regarding illegal sand mining
near the railway line at village Bojhwa, a raid was conducted
during which a tractor bearing registration no. BR27E3159
loaded with about 100 cft. of sand was seized. Although a
challan was produced at the spot but upon inquiry it was found



that no valid challan had been issued by the Mining Department for excavation or storage of sand at the said place and the mining activity was being carried out without permission and in violation of the conditions of the challan causing a loss of Rs. 1,05,375/- to the Government Exchequer, leading to the registration of the present FIR.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in the present case. It is submitted that petitioner no. 1 is stated to be the driver of the tractor, while petitioner no. 2 is its owner. It is further submitted that petitioners were having a valid challan at the time of seizure, however, merely on suspicion the petitioners have been made as accused in the present case. It is further submitted that it is apparent from the F.I.R. itself that the tractor was intercepted near the Bojhwa Railway line and not at any place of illegal excavation or mining. It is further submitted that the sand was being transported under a valid challan which was effective at the relevant time, but despite the same the police seized the tractor and demanded illegal gratification and upon refusal by the petitioners, the present false case has been lodged against them. Lastly, it is submitted that the petitioners have no criminal antecedents.



5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM VI, Nawada, in Shahpur PS Case No. 29 of 2025, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita 2023*.

7. The application stands allowed.

(Khatim Reza, J)

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