

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30197 of 2026

Arising Out of PS. Case No.-455 Year-2025 Thana- BARACHATTI District- Gaya

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1. Binod Kumar @ Vinod Kumar @ Vinod Yadav, Son of Amrit Yadav Resident of Village-Jalhi, P.S.- Mohanpur, District - Gayaji.
 2. Satyendra Kumar @ Satyam Kumar @ Satyendra Yadav, Son of Late Arjun Yadav, Resident of Village - Jalhi, P.S.- Mohanpur, District - Gayaji.
 3. Dinesh Yadav, Son of Bifan Yadav @ Chhota Bifan Yadav, Resident of Village. Baijnathpur, P.S.- Mohanpur, District - Gayaji.
 4. Pramod Kumar @ Pramod Yadav, Son of Balkishun Yadav, Resident of Village Raghunathpur, P.S.- Barachatti (Mohanpur) District - Gayaji.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines and Mineral Department, Govt of Bihar, Patna through the District Mines Inspector, Gayaji Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Swati Parmar, Advocate
		Mr.Arvind Kumar Singh, Advocate
For the State	:	Mr.Ajay Kumar No. 2, APP
For the Deptt. of Mines	:	Mr. Utkarsh Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-05-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Barachatti P.S. Case No. 455 of 2025, registered for the alleged offences under Sections 191(2), 191(3), 190, 126(2), 115, 118(2), 109, 121(2), 132, 303(2), 111, 121(1), 317(2) of BNS and Section 21 of MMDR Act.

3. As per prosecution case, when the informant and



other officials of forest were on patrolling duty, he received information about the illegal mining in a reserve forest and found sand being loaded on 7-8 tractors. When the forest department team tried to intercept the tractors, the drivers and sand Mafia approx 20-25 in numbers, surrounded the raiding party and assaulted them with *lathi*, *danda*, sharp weapons and also pelted stone on them. The informant received injuries on his head. The local forest officials identified the petitioners and other co- accused persons, who were involved in the incident. The accused persons did not allow the forest officials to apprehend the miscreants and seize the instruments involved in the illegal mining.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have no concern with the illegal mining of sand and they have been made accused solely on the basis of disclosure made by local foresters that too without any authenticity. There is general and omnibus allegation against all the accused persons and there are no specific allegations against the petitioners. The injuries said to be received by the informant and others are simple in nature and as there was no intention to cause death to any one, no offence under Section 303(2) BNS is



made out against the petitioners. Further the petitioners are neither the drivers nor the owners of the tractors. The petitioners have been named in this case due to village politics. The petitioner no.1 is having antecedent of one case of similar nature, whereas other petitioners are having clean antecedents.

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. The learned counsels submit that the petitioners and other co-accused used criminal force to deter the prosecution party in enforcing law in order to stop the illegal mining. In the assault, the informant and others also received injuries.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioners, I do not find it is a fit case for grant of anticipatory bail to the petitioners.

7. Accordingly, their prayer for grant of anticipatory bail is rejected.

(Arun Kumar Jha, J)

V.K.Pandey/-

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