

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34077 of 2026

Arising Out of PS. Case No.-863 Year-2025 Thana- GAYA MUFASIL District- Gaya

Dharmendra Kumar Yadav @ Sakaldeo Yadav son of Baijnath Yadav
Resident of Village- Salempur, Nauranga, P.S.- Mufassil, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 19-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing for the State.

2. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No.863 of 2025, for allegedly having committed offence under Section 303(2), 317(2), 111(3) and 111(4) of the B.N.S., 2023.

3. As per the First Information Report, which has been lodged on the basis of the written report submitted by the informant to the effect that on 27.06.2025, at about 05:00 A.M., he along with other police personnel was on morning patrolling. During course of patrolling, at about 05:30 A.M., the police party saw one tractor loaded with sand coming towards bypass. After seeing the police party, the driver of the tractor stopped the tractor and managed to flee away. However, he was caught by the police



and he disclosed his name as Dharmendra Kumar. 100 cft of illegal sand was found loaded on the tractor.

4. The learned counsel for the petitioner submits that the petitioner is the owner of the alleged seized tractor, however he has got no concern with the illegal sand mining. He was not even present at the place of occurrence and his name has transpired in the present case, since he is the owner of the alleged seized tractor. Apart from that, nothing has come against the petitioner. He further submits that the petitioner has already deposited a fine to the tune of Rs.1,10,650/-, as assessed by the Mining Department, on 08.12.2025. A receipt thereof has been brought on record vide Annexure-P/2 to the present bail petition. The learned counsel for the petitioner further submits that the petitioner has got one criminal antecedent bearing Muffasil P.S. Case No. 238 of 2021 in which he is on bail.

5. Per contra, the learned APP appearing on behalf of the State opposes the prayer for bail of the petitioner and submits that the petitioner is also an accused in another case.

6 Having heard the learned counsel for the parties and after going through the records, it appears that the petitioner is the owner of the tractor, from which 100 cft of sand is said to have been recovered. He was not present at the place of occurrence and his name has come during course of investigation, since he is the



owner of the tractor. Further, the fine as assessed by the Mining Department to the tune of Rs.1,10,650/- has already been deposited by the petitioner and a receipt thereof has been brought on record vide Annexure-P/2 to the present bail petition.

7. Considering the facts aforesaid, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Mufassil P.S. Case No.863 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J.)

Sanjay/Shital

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