

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35371 of 2026

Arising Out of PS. Case No.-26 Year-2026 Thana- BELAGANJ District- Gaya

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1. Jitendra Kumar @ Jitendra yadav son of Sikandar yadav @ Sikander Yadav Resident Of Village- Pranpur PS- Belaganj Dist -Gaya
 2. Sudhansu Kumar @ Sudhanshu Kumar son of Sikandar yadav @ Sikander Yadav Resident Of Village- Pranpur PS- Belaganj Dist -Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines Inspector, Gaya Ji

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No. 2, Adv. Mr. Aryan Singh, Adv.
For the State	:	Mr. Abhay Kumar, APP
For the Mines Dept.	:	Mr. Naresh Dixit, Spl. PP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-06-2026 Heard Mr. Manish Kumar No. 2, learned Advocate for the petitioners and learned Additional Public Prosecutor for the State as also the learned Special Public Prosecutor for the Mines Department through virtual mode.

2. The petitioners are apprehending their arrest in connection with Belaganj P.S. Case No. 26 of 2026, registered for the offences punishable under Sections 303(2), 317(2), 113(3) and 111(4) of the BNS, Section 21 of the Mines And Minerals (Development & Regulation) Act, 1957 and Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021.

3. The police on a tip off illegal mining conducted a



raid and apprehended three Tractors along with one person. However, noticing the police party, other Tractor owners as well as persons, who were assembled there, succeeded in fleeing away. Later on, in course of search, it is found that a total loss of 48120 CFT sand has been caused to the Government. The local Chowkidar disclosed the names of 30 named persons, including the names of the petitioners, as well as 15-20 unknown persons allegedly involved in illegal excavation of sand. It is also alleged that, due to the said incident, the Government has suffered a huge loss of public exchequer to the tune of Rs. 51,24,780/-.

4. Learned Advocate for the petitioners, at the outset, submits that the petitioners have neither any concern with the Tractors in question, which were seized from the place of occurrence, nor they are anyhow connected with the illegal excavation. The disclosure of the names of the petitioners by the local Chowkidar appears to be wholly suspicious and not trustworthy, inasmuch as the petitioners are not carrying any criminal antecedent of identical nature. It is further contended that even if the allegation is taken to be true for the sake of argument, no offence as alleged in the FIR is made out. The petitioners bear fair antecedent and they undertake that they will



fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocates for the State as well as the Mines Department vehemently opposed the bail application and submitted that the petitioners were found indulge in illegal excavation of sand due to which the State has suffered a loss of huge public money.

6. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that the petitioners have neither any concern with the Tractors in question, which were seized from the place of occurrence, besides there is deficiency in search and seizure as well as non-compliance of Sections 103 and 105 of the BNSS as also the suspicious disclosure of the names of the petitioners by the local Chowkidar, coupled with the fair antecedent of the petitioners, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Chief Judicial Magistrate, Gaya in connection with Belaganj P.S. Case No. 26 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya



Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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