

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38841 of 2026

Arising Out of PS. Case No.-162 Year-2026 Thana- PATEPUR District- Vaishali

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1. Vyas Ray S/o Asarfi Ray Resident of Village - Akilpur, P.S - Dariyapur, District - Saran
 2. Mosahib Ray S/o Sri Bhagwan Ray Resident of Village - Akilpur, P.S - Dariyapur, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Mines Inspector District Mines Officer, Vaishali Bihar. Patna, Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Mines Dept	:	Mr. Naresh Dixit, Sp.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2026

Heard Mr. Abhishek Kumar, learned counsel for the petitioners, Mr. Jitendra Kumar Singh, learned Additional Public Prosecutor for the State as well as Mr. Naresh Dixit, learned counsel for the Mines Department.

2. Petitioners seek bail who are in custody since 07.04.2026 in connection with Patepur P.S. Case No. 162 of 2026, F.I.R. dated 06.04.2026 for the offences punishable under Sections 303(3), 317(2) of the Bharatiya Nyay Sanhita, 2023 and 56 of Bihar Mining Act and Rule 15 of the Environment Protection Act.

3. According to prosecution case, the informant alleged that on 06.04.2026, he got a confidential information that illegal excavation of soil id done at Village-Raghopur Narshanda then a joint raid was conducted by the police and mining officials



wherein two Hyva vehicle were intercepted carrying approx. 650 cft soil each and the drivers of the said vehicle failed to produce any valid document or permit for transportation. It is further alleged that upon inspection of the site large scale of illegal excavation of about 1.67,000 cft soil was found. It is further alleged that the alleged illegal excavation caused huge loss to government revenue.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegations levelled against the petitioners are false and fabricated. Infact the owner of the land in question, namely Niraj Kumar, on 07.04.2026 has given application before the District Mining Officer, to show real fact. The petitioners are in custody since 07.04.2026.

5. The learned Additional Public Prosecutor for the State as well as learned counsel for the Mines Department have vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and as per Annexure-2 of this bail application, petitioners have not committed any offence, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the



like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIII-cum-Sub-Judge-XIV, Vaishali, Hajipur in connection with Patepur P.S. Case No. 162 of 2026, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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