

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40368 of 2026

Arising Out of PS. Case No.-91 Year-2026 Thana- HISUWA District- Nawada

Kunal Kumar @ Budha Kumar @ Burhwa S/O Late Uday Singh R/O Village-
Latawar, PS- Hisua, Distt- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines Officer, District Mines Officer, Nawada Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s	:	Md. Mushtaque Alam, A.P.P.
For OP No.-2	:	Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-06-2026 Heard learned counsel for the petitioner, OP No.-2
and learned APP for the State.

2. The petitioner, named in the F.I.R., is apprehending his arrest in connection with Hisua P.S. Case No. 91 of 2026 registered for the offences punishable under Sections 303(2), 317(2) & 111(3) of the Bhartiya Nyay Sanhita.

3. As per FIR, Mining Officer, Nawada, who is the informant of the present case, along with other police officials had conducted raid on 13.02.2026 at Dhadhar River at village – Tungi to nab the persons engaged in illegal mining of sand. On seeing the police party, all the accused persons fled away from the spot leaving one tractor along with trailer bearing Engine No. E378370 AND Chassis No. 105368754LN, from where five



CFT of illegally mined sand was recovered. The local *chowkidar* disclosed the name of 15 accused persons, who were allegedly involved in illegal sand mining activities.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner was neither connected with the truck/trailer nor with the sand in any manner. It is pointed out that out of local dispute and differences, the local *chowkidar* named this petitioner particularly in view of suspicion. It is submitted that except suspicion as raised by local *chowkidar*, nothing incriminating appears against the petitioner. Similarly situated co-accused, namely, Sudhir Chaudhary has already been granted anticipatory bail by co-ordinate Bench of this Hon'ble Court *vide* order dated 25.06.2026 passed in Cr. Misc. No. 40925 of 2026. Petitioner has got four criminal antecedents in which he is on bail.

5. Learned A.P.P. for the State as well as learned counsel for the opposite party no. 2 opposes the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as except suspicion arising out of disclosure made by local *chowkidar prima facie* nothing incriminating appears against this petitioner, accordingly, above-



named petitioner, in the event of his arrest/surrender within a period of eight weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada/concerned court in connection with Hisua P.S. Case No. 91 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita.

(Prabhat Kumar Singh, J)

Navya/Sanjay-

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