

Arising Out of PS. Case No.-20 Year-2025 Thana- BARHIYA District- Lakhisarai

... .. Petitioner/s

Versus

- Opposite Party/s

For the Petitioner/s	:	Mr. S.K. Lal, Sr. Adv. Mr. Rabi Bhushan, Adv. Mr. Ankit Kr. Jha, Adv. Ms. Rakhi Kumari, Adv.
For the State	:	Mr. Mohammed Arif, APP
For the Mines Dept.	:	Mr. Naresh Dikshit, Spl.PP Mr. Utkarsh Pathak, Adv.

2 29-07-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Barahiya P.S. Case No. 20 of 2025 registered for the offences punishable under sections 303(2) & 317(2) of the Bharatiya Nyaya Sanhita and section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.

3. Learned senior counsel for the petitioner submits that the instant matter relates to a large quantity of sand allegedly illegally mined and stored on the alleged land and the petitioner is alleged to be involved in the offences pertaining to the recovered sand. However, he has been named in the FIR mainly



on account of the disclosure made by villagers, as stated in the FIR, but the names of those villagers have not been mentioned therein. It is further submitted that the land upon which the stored sand was found does not belong to the petitioner and in this regard, the mining officials called for a report from the Circle Officer concerned, who submitted his report revealing the fact that the alleged land is *un-surveyed topo* land and is not under the ownership of anyone, so, the petitioner has only been suspected in the alleged offences. It is lastly submitted that though the petitioner has one criminal antecedent but the same relates to offences of a different nature under the IPC, in which he is on bail.

4. Learned Spl. PP appearing for the Mines Department submits that the instant matter relates to the recovery of a large quantity of sand, and a loss of Rs. 47,92,500/- has been caused to the State Exchequer on account of the illegal mining and storage of the alleged sand at the alleged place. It is further submitted that if this Court is inclined to consider the petitioner's prayer then a condition for payment of the loss amount to the Mines Department may be imposed upon the petitioner.

5. Considering the above submissions and mainly taking into account the facts that the petitioner has only been suspected to be involved in the commission of the alleged



occurrence merely on the basis of the disclosure made by some villagers who arrived at the alleged place upon the raid conducted by the police officials and the mining officials but the names of those villagers have not been disclosed in the FIR, and further, the land upon which the alleged stored sand was found does not belong to the petitioner and is said to be *un-surveyed topo* land not under the ownership of anyone, in my opinion, in the said circumstances, the petitioner deserves to the relief of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Barahiya P.S. Case No. 20 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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