

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49881 of 2026

Arising Out of PS. Case No.-507 Year-2025 Thana- NAWADA MUFFASIL District- Nawada

Abhishek Kumar @ Diwakar Kumar @ Diwakar Yadav Son of Sudhir Kumar
Resident of Village - Gorighat, P.S.- Muffasil, District - Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mining Department of Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad, Advocate
For the State	:	Mr. Ram Sumiran Rai, A.P.P.
For the O.P No. 2	:	Mr. Naresh Dikshit, Spl. P.P.
		Mr. Utkarsh Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-08-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the Department of Mines.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 303(2),
317(2) and 111 of the BNS as well as Section 15 of
Environment Protection Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and the informant
alleges that on 16.12.2025 he reached the place of occurrence
with force and found a pit showing illegal mining of sand in
Panchaan river, it is next alleged that area of pit was about



22.750 cubic feet, it is also submitted that on inquiry the name of the accused persons including the petitioner transpired, as such, it is alleged that the accused persons are liable to pay fine of Rs. 12,47,813/- to the Department of Mines.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that petitioner was not arrested from the spot, it is next submitted that Guddu Yadav @ Guddu Kumar @ Awadhesh Yadav had approached this Court seeking anticipatory bail by filing Cr. Misc. No 24324 of 2026 and the same came to be allowed by an order dated 22.04.2026 passed by a learned Coordinate Bench, it is also submitted that the case of the petitioner is similar to the case of Guddu Yadav. It is further submitted that if the privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the Department of Mines oppose the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions made by the learned counsel appearing on behalf of the petitioner that the case of the



petitioner is similar to the case of Guddu Yadav.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Nawada Muffasil P.S. Case No. 507 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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