IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76376 of 2026

CNR No. BRHC010908272026

Arising Out of PS. Case No.-350 Year-2026 Thana- WARISLIGANJ District- Nawada

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1. Nitish Kumar Son of Naresh Yadav R/o village - Dariyapur, P.S.- Warsaliganj, District - Nawada
2. Nitish Kumar @ Nitash Kumar Son of Upendra Yadav @ Biru Yadav R/o village - Dariyapur, P.S.- Warsaliganj, District - Nawada
3. Pappu Kumar Son of Devnandan Prasad R/o village - Dariyapur, P.S.- Warsaliganj, District - Nawada
4. Mister Rajeev @ Rajeev Kumar Son of Sudhir Chaudhary R/o village - Dariyapur, P.S.- Warsaliganj, District - Nawada

... ... Petitioner/s

Versus

1. The State of Bihar
2. Mining Department Govt. of Bihar. Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP.

For the Mines Department: Mr. Naresh Dikshit, Spl. PP.
Mr. Utsav Anand, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 05-11-2026 Heard learned counsel appearing on behalf of the petitioners, learned APP for the State and learned counsel for the Mines Department.

2. The petitioners seek pre-arrest bail in connection with Warsaliganj P.S. Case No. 350 of 2026 registered for the offence punishable under Sections 305(e), 317(2), 111 and 3(5) of the BNS.

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3. As per the allegation made in the F.I.R., some of the sand mafias are members of a Whatsapp group, namely, MAST, in which petitioners are also the members. Being the member of the said Whatsapp group, the petitioners have been named in the F.I.R.

4. Learned counsel appearing on behalf of the petitioners submitted that merely being member of a Whatsapp group, it cannot be assumed that the petitioners are engaged in illegal mining of sand causing loss to the government revenue. Learned counsel further submitted that no material has been found against the petitioners nor from perusal of the F.I.R., it appears that the petitioners are actively engaged in illegal sand mining. He further submitted that the petitioners are neither the owner nor the driver of the alleged vehicle which is mentioned in the F.I.R. Petitioners have clean antecedent.

5. Learned counsel appearing on behalf of the Mines Department submitted that the Whatsapp group itself speaks that the majority of the members are engaged in illegal mining, as such, the complicity of the petitioners who are also the members of the said Whatsapp group in the alleged offence cannot be denied.

6. Learned APP for the State has vehemently opposed

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the prayer for grant of pre-arrest bail to the petitioners.

7. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., I find that merely being a member of the Whatsapp group, in absence of any material and allegation against the petitioners and also the fact that the petitioners are neither the owner nor the driver of the alleged vehicle as mentioned in the F.I.R. and the seizure list, I find that the the petitioners have, *prima facie,* made out a case to be released on pre-arrest bail.

8. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-IV, Nawada in connection with Warsaliganj P.S. Case No. 350 of 2026, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

9. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

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10. The bail application stands disposed of.

(Purnendu Singh, J)

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