

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69602 of 2025

Arising Out of PS. Case No.-5 Year-2024 Thana- ISHUPUR BARAHAT District- Bhagalpur

Md. Qayum @ Md. Kayyum Ansari S/o Moin @ Md. Moin Ansari @ Md.
Moem Ansari R/o Village- Dadar Rajgaon, Post - Barmasiya, PS- Ishipur,
Barahat, Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mining Officer, District Mining Office, Bhagalpur Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ashutosh Kumar
For the Opposite Party/s :	Mr.Tarun Prasad Mandal, APP
	Mr. Naresh Dikshit, Spl. PP for Mines
	Mr. Brij Bihari Tiwary, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-05-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned Spl. PP appearing on behalf
of Mines.

2. The petitioner apprehends his arrest in connection
with Ishipur Barahat PS Case No. 5 of 2024 registered for the
offences punishable under Sections 379 and 411 of the IPC and
Sections 11, 39(1), (2), (3), (4), 43, 56 of Bihar Minerals
(Concession Prevention of illegal Mining, Transportation and
Storage) Rules.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and in sum and
substance the allegation is that sand along with stone chips as



detailed in the FIR, was found stored on the land of the petitioner.

4. Learned counsel for the petitioner submits no doubt the land belongs to the petitioner but then the same was under possession of Md.Yasin, Md. Rizwan and Dildar, as such the petitioner had moved before the DCLR praying for a direction upon them to vacate the land, further the aforesaid three respondents in Land Dispute Case No. 90 of 2023-24 did not appear, as such the DCLR passed the order dated 12-9-2024 directing the Circle Officer to get the land measured and to ensure that the possession of the land is handed over to the petitioner. It is thus submitted that no doubt the land belongs to the petitioner from which the aforesaid materials were recovered, but then the same was illegally stored by the aforesaid three persons.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of Mines vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the land belong to the petitioner and if the same was occupied forcefully by the aforesaid three persons by keeping sand and stone chips, in that event, the petitioner ought to have instituted an FIR or in the petition filed before the DCLR ought to have brought the



said fact to his notice, but then it appears that the case before the DCLR was a ploy to circumvent the offence of illegal mining being committed by the petitioner.

6. The learned Spl. PP appearing on behalf of Mines also submits that Government has been put to huge revenue loss. It is next submitted that during the course of investigation, it has come that petitioner is involved in illegal mining and even sell the illegally mined sands and stone chips. It is further submitted that investigation in the case is continuing.

7. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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