

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83997 of 2025

Arising Out of PS. Case No.-623 Year-2023 Thana- TEKARI District- Gaya

Ashok Kumar S/O Raghulal Saw Resident of Village- Istpur, Jakhura,
Aurangabad (Bihar)- 823001.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines Department Gaya, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Ms. Priya, Advocate Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Kalyan Shankar, APP
For the Mines Deptt.	:	Mr. Naresh Dikshit, Adv. Ms. Kalpana, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-01-2026 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
opposite party no. 2/Mines Department.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 379, 411 of the
I.P.C., Section 21 of MM(D&R) Act 1957 and Section 56 of
BM(CPIMTS) Amendment Act, 2021.

3. Petitioner is registered owner of the seized tractor,
upon which, 100 CFT illegally mined sand was loaded.

4. At the outset, learned counsel for the petitioner
submits that petitioner is ready to refund the alleged money i.e.
Rs. 26,000/- (Rupees twenty six thousand) in the office of
Mines Department, for which, learned counsel for the opposite
party no. 2 does not oppose.



5. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - VI, Anjali Nag Court, Gaya in connection with Tekari P.S. Case No. 623 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C./Section 482 of the B.N.S.S. with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioner shall refund **Rs. 26,000/-** (twenty six thousand) through Bank Draft in the office of opposite party no. 2 i.e. Mines Department, Gaya and receipt of the same shall be furnished along with bail-bond in the Court concerned.

(B) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bond of the petitioner.”

6. It is made clear that aforesaid order has been passed only for considering the prayer for anticipatory bail without going into the merit of the case.

(Prabhat Kumar Singh, J)

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