

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87498 of 2025

Arising Out of PS. Case No.-71 Year-2025 Thana- KOPA District- Saran

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Jitesh Kumar @ Jitesh Kumr S/O Om Prakash Singh Resident of Village-
Ram Lila Mathiya, P.S.- Bhagwan Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar through the District Mines Officer, Saran at Chapra. Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Naresh Dikshit, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 09-04-2026 Heard Mr. Alok Kumar Alok, learned counsel

appearing on behalf of the petitioner and Mr. Naresh Dikshit,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Kopa P.S. Case No. 71 of 2025 registered under Sections
21 of the M.M.D.R. Act, sections 43 and 56 of Bihar Minerals
Concession, prevention of illegal mining, Transportation &
Storage Rule and section 303(2), 317(2) of B.N.S.

3. As per the allegation made in the FIR, the
informant, while conducting a raid along with police personnel
of Kopa Police Station on 12.04.2025, seized two trucks bearing
Registration Nos. BR04GA-4258 and BR01GC-3873 allegedly
involved in illegal mining, and apprehended their drivers.

4. No counter affidavit has been filed on behalf of the



State in spite of the order dated 23.02.2026.

5. Considering the submissions made and the fact that the offence in question is compoundable in nature, this Court finds that appropriate assistance is required to be given by the Mines Officer for proper assessment of the loss to the State of Bihar. The District Magistrate-cum-Mines Officer concerned is directed to assess the total amount of loss within his jurisdiction, as may be attributable on account of failure on the part of the officials of the Mines Department. Upon such assessment, if the petitioner deposits the entire amount as per the provision of Section 56(2) of the Bihar Minor Mineral Concession Rules, 1972 (as amended) and produces the receipt before the learned District Court, then in that case the learned District Court is directed to enlarge the petitioner on pre-arrest bail in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Kopa P.S. Case No. 71 of 2025 , subject to the condition as laid down under Section 482 of the BNSS//438(2) of the Cr.P.C.

6. The impugned order stands modified to the



aforesaid extent. The interim protection granted to the petitioner shall continue till compliance of the above condition.

7. Further, a cost of Rs. 50,000/- is directed to be deposited with the Legal Cell of the concerned district by the Mines Department.

8. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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