

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77356 of 2025

Arising Out of PS. Case No.-81 Year-2025 Thana- LAUKAHA District- Madhubani

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1. Samina Khatoon @ Asmina Khatoon, W/o Md. Salam, R/o Village- Bandar Jhulli, P.S.- Laukaha, District- Madhubani.
 2. Md. Rahmul, S/o Md. Alauddin, R/o Village- Bandar Jhulli, PS- Laukaha, District- Madhubani
 3. Md. Suban @ Md. Subhan @ Md. Suabhan, S/o Mustuf ,R/o Village- Bandar Jhulli, PS- Laukaha, District- Madhubani
 4. Md. Guloo @ Najmuddin, S/o Md. Mangan, R/o Village- Bandar Jhulli, PS- Laukaha, District- Madhubani.

... .. Petitioners

Versus

1. The State of Bihar
2. The Mines Inspector, District Mines Office, Madhubani Bihar

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Jitendra Kumar Bharti, Advocate Ms. Nitu Kumari, Advocate
For the State	:	Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Laukaha PS. Case No-81 of 2025, registered for the offences punishable under Sections 303(2), 132, 3(5) of the B.N.S., 2023 as well as Section 56(2) , 4 of the B.M.C.P. of illegal Mining Transportation and Storage Rule and 4 of M.M.D.R.

3. As per allegation, one tractor with illegal sand was intercepted without any challan. It is further alleged that a mob gathered there and the same was forcibly taken away by the



owner of the tractor and other persons including the Petitioners.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that they are neither the owner of the vehicle nor the driver, nor they are anyway connected with the tractor involved in the alleged offence. They were not even present at the place of occurrence and their name have been given only on the basis of suspicion and even as per the allegation, at most, an offence of Section 132 B.N.S.S equivalent to Section 353 IPC will be made out but even all the ingredients for application of Section 132 B.N.S.S/ Section 353 IPC is not fulfilled because there must be allegation of resorting to force in interference in the discharge of official duty by the public servant.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances,



this petition is allowed, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Concerned Court below, in connection with Laukaha PS. Case No-81 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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