IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77988 of 2026

CNR No. BRHC011140042026

Arising Out of PS. Case No.-238 Year-2026 Thana- NEMDARGANJ District- Nawada

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Arun Kumar S/o Sukhdeo Gope R/o Village- Raja Bigha, P.S. - Nursarai, District - Nalanda

... ... Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Minerals, Government of Bihar, Patna through the Mines Inspector, Nawada, Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 05-11-2026 Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nemdarganj P.S. Case No. 238 of 2026, F.I.R dated 10.06.2026 registered for the offences punishable under Sections 111, 317(2), 317(5), 305(e), 308(2) of the BNS.

3. According to prosecution case, the informant, Santosh Prakash Jha, Mines Inspector, Nawada, while conducting a raid near Bareb Mor on information regarding illegal mining, transportation and storage of minerals, signalled a stone-loaded truck bearing Registration No. JH12F-1213 to stop, but its driver fled, abandoning the vehicle near village Raja

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Devar. During the chase, the driver's mobile phone fell down, and its call history revealed repeated calls to mobile No. 8340292385, saved as "Fulo Rajauli", and other numbers saved as "Munna Divar Passing", "Manna Passing Divar", "Munna Rajauli" and "Munna Rajauli Passing". The informant alleged that Fulo Yadav and Munna facilitated illegal transportation of minor minerals from Rajauli. On search, one E-Challan bearing eTP No. 2610356526, valid from 07.06.2026 at 03:44 PM to 12.06.2026 at 09:47 AM, issued through the e-Khanij portal of Madhya Pradesh, was recovered. As the place of seizure was approximately 650 KM away from the place of loading, which could not be covered within 13 hours, illegal transportation was suspected. Subsequently, another stone-loaded truck bearing Registration No. BR21GB-4028 was found, whose driver also fled, abandoning the vehicle. Both trucks were weighed, and a seizure list of the two vehicles and the mobile phone was prepared, leading to institution of the present case.

4. Learned counsel for the petitioner submits that the petitioner was the driver of the truck driven by him and was chased by the police, which forms part of the seizure in the instant case. It has next been submitted that the owner of the said truck is also made an accused in this case, who has moved

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this Court vide Cr. Misc. 73904 of 2026, and the Co-ordinate Bench of this Court, vide order dated 02.11.2026, has been pleased to extend the privilege of anticipatory bail on the ground that the petitioner, who is the owner of the instant truck, was ready to pay Rs. 1,00,000/- as against the compounding fee and penalty, which are said to have been quantified as Rs. 8,00,000/- and Rs. 4,59,772/-, respectively, without accepting his guilt. It is the specific case of the petitioner that since the owner has already been extended the privilege of anticipatory bail by paying the requisite amount as was required to be paid to make good the loss caused to the Mining Department, this petitioner, being the driver of the said truck, may be extended the privilege of anticipatory bail as against the amount of Rs. 1,00,000/-, which has already been deposited by the owner of the said truck.

5. On the other hand, learned counsel for the Mining Department does not refute the submissions made by the learned counsel for the petitioner on factual grounds, which is evident from the order dated 02.011.2026 passed in Cr. Misc. No. 73904 of 2026.

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Considering the aforesaid facts and circumstances

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that the amount as quantified by the Mining Department, against the truck in question, has already been deposited, but from the order dated 02.11.2023 passed in Cr. Misc. No. 73904 of 2026, it appears that the truck number is JH12F-1213, while it is the case of the petitioner that the amount has been deposited as against the truck bearing registration number BR21GB-4028, which facts may be directed to be verified by the Court concerned and finding the submission of the petitioner to have substance, this Court is inclined to grant the privilege of anticipatory bail to the petitioner, subject to the verification of the issues at hand in relation to the verification of the truck against which the deposit has been made by the owner of the truck.

8. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Nawada, in connection with Nemdarganj P.S. Case No. 238 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of

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the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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