# IN THE HIGH COURT OF JUDICATURE AT PATNA
**CRIMINAL MISCELLANEOUS No.80653 of 2026**

**CNR No. BRHC011177842026**

Arising Out of PS. Case No.-675 Year-2026 Thana- BIHTA District- Patna

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1. Pawan Kumar @ Pawan Yadav S/o Shyam Murti Yadav Resident of Village- Kelhanpur, P.S. Bihta, District- Patna
2. Kaushal Kumar @ Kaushal Yadav @ Pintu Kumar S/o Late Kameshwar Yadav Resident of Village- Kelhanpur, P.S. Bihta, District- Patna
3. Rajvee Ranjan Kumar @ Raju Yadav @ Rajeev Ranjan Kumar @ Raju Kumar S/o Late Kameshwar Yadav Resident of Village- Kelhanpur, P.S. Bihta, District- Patna
4. Niraj Kumar @ Niraj Yadav S/o Rambadan Yadav Resident of Village- Kelhanpur, P.S. Bihta, District- Patna
5. Ravi Kumar S/o Birendra Yadav Resident of Village- Kelhanpur, P.S. Bihta, District- Patna

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Amarnath Singh, Adv.
Mr. Kamal Kishore Singh, Adv.
Mr. Kumar Aman, Adv.
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**

ORAL ORDER

2 25-11-2026 Heard the learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bihta P.S. Case No. 675 of 2026, F.I.R dated 08.07.2026 registered for the offences punishable under Sections 303(2), 317(2), 3(5) of the BNS.

3. According to prosecution case, the informant,

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Govind Kumar, Mines Inspector, submitted a written application before the S.H.O., Bihta Police Station, alleging that on 08.07.2026, at about 1:40 hours, he, along with Bihta Police personnel, Mining Force Home Guards and his team, raided Taregana and Pandey Chak villages to check illegal mining, transportation and storage of sand, whereupon approximately 64,177 CFT of golden-yellow sand was found illegally stored at different places. On enquiry, local persons and the Mahal Chowkidar disclosed the names of 24 F.I.R.-named accused, including the petitioners, namely, Pawan Yadav (petitioner no. 1), Alok Yadav (petitioner no. 2), Kaushal Yadav, Raju Yadav (petitioner no. 3), Neeraj Yadav (petitioner no. 4) and Ravi Kumar (petitioner no. 5), residents of Pandey Chak and Kenhanpur villages. It is alleged that the illegal storage caused a loss of Rs. 90,24,164/- to the Government revenue, recoverable from the accused persons, and violated Rule 39 of the Bihar Minerals (Concession), Prevention of Illegal Mining, Transportation and Storage Rules, 2019 (as amended in 2026), punishable under Rule 56 thereof. Accordingly, Bihta P.S. Case No. 675 of 2026 was registered under Sections 303(2), 317(3) and 3(5) of the B.N.S.

4. Mr. Amarnath Singh, learned counsel appearing on

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behalf of the petitioners, submits that altogether 64,177 CFT of illegal sand is said to have been recovered from an open field which does not belong to these petitioners, and merely on the basis of the allegation made by local persons and the mahal chowkidar, the petitioners have been implicated in the instant case, while the petitioners are agricultural labourers and have got no concern with the business or storage of sand and they do not possess any land within the vicinity of the place of seizure; still, for unexplained reasons, they have been implicated in this case, while for similar allegations, altogether 25 persons have been made accused, out of which one person has already been extended the privilege of anticipatory bail.

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

6. Considering the aforesaid facts and circumstances, particularly the fact that the alleged recovery of sand has been made from an open field which does not belong to these petitioners, they being agricultural labourers having no land in the vicinity of the place of seizure, there being no specific allegation or incriminating material indicating their complicity in the alleged offence, and one of the co-accused persons facing similar allegations having already been extended the privilege of

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anticipatory bail, this Court is inclined to grant the privilege of anticipatory bail to these petitioners.

7. Let the petitioners, above named, in the event of their 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 A.C.J.M. IInd, Danapur, in connection with Bihta P.S. Case No. 675 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of 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*

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*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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