

Arising Out of PS. Case No.-15 Year-2025 Thana- BUNIYAD GANJ District- Gaya

- Petitioner/s

1. The State of Bihar
2. The Mineral Development Officer, Gaya. Bihar
3. The Mines Inspector, Gaya. Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Avinash Chandra, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

2 15-01-2026 1. Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 318(4), 303(2), 317(2) and 3(5) of the BNS, 2023.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent. It is next submitted that in sum and substance the allegation is that a truck loaded with sand was brought to the police station and the informant, Mines Inspector came to the police station and got the truck weighed and gross weight of the truck was found 43320 kgs, thus,



the weight exceeded by 9150 kgs and it was also found that the GPS of the truck was interfered with, thus it is alleged that owner of the truck might have overloaded the truck after getting the mining challan.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant, it is next submitted that what is not in dispute rather stands admitted is that the sand which was found loaded on the truck was having a valid mining challan, but then allegation is of overloading. It is next submitted that weight of the empty truck is 12750 kgs and the quantity of sand found loaded on the truck was 28320 metric ton, as such the total weight of the truck with sand was 41070 kgs which is under the normal weight of the truck i.e. 42000 kgs. It is next submitted that the truck also have spare parts. It is next submitted that what causes aspersion on the case of the prosecution is that the date of occurrence is 23.12.2024 and the FIR came to be instituted on 16.01.2025 i.e. after a delay of 24 days. It is further submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the



event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Buniyadganj P.S. Case No. 15 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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