

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87352 of 2025

Arising Out of PS. Case No.-143 Year-2025 Thana- MAGADH UNIVERSITY District- Gaya

Manish Yadav @ Manish Kumar S/O Bholu Yadav R/O Village- Haridaspur,
P.S.- Magadh University, Dist.- Gaya Ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi , APP
For the Mines Dept	:	Mr. Naresh Diskhit, Spl.PP
	:	Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-01-2026 Heard Mr. Sudhir Kumar Sinha, learned counsel for the petitioner, Mr. Vinod Shanker Modi, learned Additional Public Prosecutor for the State and Mr. Naresh Dikshit learned counsel for the Mines Department.

2. The petitioner is apprehending his arrest in connection with Magadh University P.S. Case No. 143 of 2025, F.I.R. dated 14.06.2025 for the offences punishable under Sections 303(2), 317(2) of the Bhartiya Nyay Sanhita, 2023 & 21 M.M. (D&R) Act, 1957 & 56 of BM (CPIMTS).

3. As per the First Information Report, the informant alleged that when he along with other police personnel were raiding against illegal loading, unloading, transporting sand near



Falgu River, found one tractor loaded with illegal sands and seized the same. It is further alleged that this petitioner along with other persons were involved in illegal sand mining.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He is not the owner of the vehicle in question from which the sand has been recovered and he has been made accused merely on the basis of suspicion and except the suspicion, no other cogent material has come during investigation which suggest that the petitioner is involved in the present crime in question.

5. The learned Additional Public Prosecutor as well as learned counsel for the Mines Department have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was involved in the present crime in question and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matter.

6. Considering the aforesaid facts and circumstances, petitioner has been made accused merely on the basis of suspicion and he is not the owner of the vehicle in question, let



the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days 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-VIII, Gayaji in connection with Magadh University P.S. Case No. 143 of 2025, 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. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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