

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89302 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- GRIYAK District- Nalanda

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1. Suggi Devi Wife of Late Shivcharan Yadav R/o - Khemji Bigha, P.S - Shilaw, District - Nalanda
 2. Shankar Yadav Son of Late Shivcharan Yadav R/o - Khemji Bigha, P.S - Shilaw, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary of Mines and Minerals Dept. Govt. of Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the Opposite Party/s	:	Mr. Narsingh Tanti, APP
For the O.P. No.2	:	Mr. Naresh Dikshit, SPP
		Ms. Shristi Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-01-2026 Heard Mr. Pankaj Kumar, learned counsel appearing on behalf of the petitioners; Mr. Narsingh Tanti, learned APP appearing on behalf of the State and Mr. Naresh Dikshit, learned SPP along with Ms. Shristi Singh, learned counsel appearing on behalf of the O.P. No.2.

2. The petitioners apprehend their arrest in connection with Giryak P.S. Case No. 75/2025 registered under Sections 126(2),115(2),281,125(a),125(b),132,109,324(4),303(2),317(2), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. As per the allegation made in the FIR, a raid was



conducted by the Mining Inspector on the information received of illegal mining near Panchane river and five tractors were seized during the raid and the petitioners are family members of the owner of one of the seized trucks bearing Reg. No. BR27E8098.

4. Learned counsel appearing on behalf of the petitioners submitted that offence is compoundable under Section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Amendment Rules and seeks to deposit the amount of compensation in accordance with the provision of the said Section.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of parties, as well as, the provision of Section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Amendment Rules, the petitioners are directed to submit the compounding fee, as well as, the amount of penalty, if any, before the District Mining Officer. The District Mining Officer, after being satisfied, is directed to issue certificate to the extent that the offence has been compounded after the petitioners have deposited the required



amount of penalty. The above exercise is required to be carried out within a period of four weeks from the date of passing of the this order. The District Mining Officer or competent authority-cum-District Magistrate must not delay to act upon before the expiry of four weeks.

7. In case, the petitioners are able to file the certificate, duly granted by the competent authority, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending, in connection with Giryak P.S. Case No. 75/2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ 482 of the BNSS.

8. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J)

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