

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87606 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- RAJAOLI District- Nawada

1. Bikash Kumar S/O Suresh Prasad Resident of Village- Chautha, P.S.- Rajouli, District- Nawada,
2. Santosh Kumar S/O Sarju Prasad @ Sarju Yadav Resident of Village- Chautha, P.S.- Rajouli, District- Nawada,

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-01-2026 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 303(2), 317(2), 111 of the Bharatiya Nyaya Sanhita.

3. Learned counsel appearing on behalf of the petitioners submits that petitioners have antecedent of one case, but then the said case was instituted after institution of the instant FIR. It is next submitted that in sum and substance, the informant alleges that 3500 cft of stone chips along with 7 tractors were recovered from the place of occurrence, accordingly, the instant FIR was instituted alleging that accused



were involved in illegal mining.

4. Learned counsel for the petitioner submits that petitioners are not named in the FIR nor the tractors which were seized from the place of occurrence belongs to them. It is further submitted that the seized tractors have already been released by the police in favour of their owner. It is next submitted that the seized stone chips were subsequently stolen for which Rajauli P.S. Case No.41/2025 was instituted, in which the petitioners were also named as accused but then the said FIR was instituted after institution of the instant FIR. It is also submitted no doubt the FIR was instituted under Section 111 BNS, but then in the nature of allegation as alleged in the FIR no offence under Section 111 BNS against the petitioners is not made out. It is further submitted that Udesb Kumar had approached this Court seeking anticipatory by filing Cr. Misc No. 66710 of 2025 and the same was allowed by an order dated 1-11-2025, as such based on parity, petitioners seek anticipatory bail.

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 and taking in consideration the order dated 1-11-2025 in Cr. Misc No. 66710 of 2025, 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 Rajouli P.S. Case No.38/2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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