

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90733 of 2025

Arising Out of PS. Case No.-567 Year-2025 Thana- DAUDNAGAR District- Aurangabad

Ram Auotar Singh @ Ram Auotar Kumar S/o Ashok Mahto R/o vill- Itwa,
P.S.- Haspura, Distt.- Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Minerals, Govt. of Bihar, Patna through
Kumar Pratyush, Mines Inspector

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aman Vishal, Adv.
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP
For the Dept. of Mines	:	Mr. Naresh Dixit, Adv. Mrs. Kalpana, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-01-2026 Heard the learned Advocate for the petitioner, learned

Advocate for the Department of Mines and Minerals and the

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Daudnagar P.S. Case No. 567 of 2025, registered for the
offences punishable under Sections 303(2) and 317(2) of the
Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 21 of the
Mines and Minerals (Development and Regulation) Act, 1957.

3. The petitioner is said to be owner of the tractor, in
question, which was found indulge in illegal transportation of
sand. On raid, the driver of the tractor, in question, was
apprehended with 100 cft sand laden in the tractor, which led to



institution of the FIR.

4. Learned Advocate for the petitioner submitted that only on account of the petitioner being owner of the tractor, in question, his name has been implicated in this case. In course of raid, the driver of the tractor has furnished valid challan receipt. Moreover, it is the case of the prosecution that the illegal sand was being excavated by co-accused Sunil Mukhiya, but surprisingly, the excavated vehicles used for illegal loading of sand has not been seized and only the tractor, in question, which was laden with 100 cft sand was seized by the Mining Officer. The petitioner is ready and willing to co-operate with the proceeding and deposit the fine, if found admissible. It is further contended that prior to the alleged occurrence, the petitioner has never been made accused in any of the criminal case, much less with respect to the illegal transportation of sand.

5. On the other hand, learned Advocate for the State as well as the Department of Mines opposed the pre-arrest bail application and submits that the tractor of the petitioner has been found indulge in transportation of illegal sand and, till date, the petitioner has not paid the fine, as has been assessed by the Mining Department.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the petitioner is the owner of the tractor, in question, and he is ready and willing to co-operate in the proceeding and deposit the admissible fine for release of his tractor, besides his fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 567 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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