

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1541 of 2026

Arising Out of PS. Case No.-367 Year-2025 Thana- GAYA MUFASIL District- Gaya

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1. Chhotu Yadav Son of Late Jagdish Yadav Resident of Village - Nauranga, Ps- Muffasil, Dist- Gayaji
 2. Chandan Kumar Son of Surendra Yadav Resident of Village - Nima, Present Resident of village- Bhusunda, Ps- Muffasil, Dist- Gayaji

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pricipal Secretary Department of Mines and Geology Govt. of Bihar, Patna bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priya Ranjan, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP
For the Mines	:	Mr. Naresh Dikshit, Spl. P.P., Mines
		Mr. Utkarsh Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 19-03-2026 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the Mines.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Mufassil P.S. Case No. 367 of 2025 instituted for the offence under Sections 111(3), 111(4), 303(2), 317(2), 317(4), 317(5) and 61(2) of BNS and Section 21 of Mines and Mineral Act and Rule 56 of Bihar Minerals (Concession Prevention of Illegal Mining Transportation and Storage) Rules, 2021.



3. The case of the prosecution is that informant received information that a group of persons are indulged in illegal excavation of sand. On this information, the informant went there with his associates. It is further alleged that altogether 23 named persons and 35-40 unknown persons are indulged in illegal excavation of the sand.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. He has submitted that as per the case of the prosecution, certain tractors were found loaded with sand. Petitioners are neither the owner nor the driver of any of the said tractors. No any concrete material has come against the petitioners. Nothing has been recovered from their possession. There is no any specific overt act against them rather the nature of allegation is general and omnibus. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Similarly situated other co-accused persons have already been granted anticipatory bail by learned co-ordinate Bench of this court vide Cr. Misc. No. 4915 of 2026.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioners.



6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Mufassil P.S. Case No. 367 of 2025, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya subject to the conditions as laid down under section 482(2) of B.N.S.S.

(Ashok Kumar Pandey, J)

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