

**In the Court of District & Add. Sessions Judge-II,
Jhanjharpur (Madhubani)
Anticipatory Bail Petition No.-423/2026**

1. Abadh Narayan Yadav aged about 42 years S/o Late Uttamlal Yadav.
 2. Devendra Kumar aged about 27 years S/o Abadh Narayan Yadav.
- R/o Village- Pariharpur, P.S.- Rajnagar, District- Madhubani.

.....Petitioners

Versus

1. State of Bihar through Additional Public Prosecutor.

.....Opposite Party

Anticipatory Bail Petition Under Section 482 B.N.S.S.

For the petitioner/s	:	Shri Bechan Rai, Advocate
For the O.P. State	:	Shri Dev Shankar Jha, APP

O R D E R

Dated: 25.06.2026

This anticipatory bail petition filed on behalf of the above named petitioners **1. Abadh Narayan Yadav & 2. Devendra Kumar** who are apprehending their arrest in connection with **Ghoghardiha P.S. Case No. 17/2026**, for the offence **under section 303(2) of BNS & 15/21 Environment Protection Act 1986 & 21 M.M.D.R. Act 1957**, which is pending in the court of Md. S. Rahman, J.M.1st Class, Jhanjharpur, is being pressed and heard.

The case of the prosecution in nutshell, is that the informant received information regarding illegal mining of sand on the banks of Bhutahi Balan river, under Ghoghardiha block. For investigation of which action was taken against illegal mining near Rani Talab of Bhutahi Balan river today on 12/02/26 at 03:00 PM. At the said site, 210 x 103 x 3 cubic feet 64890 cubic feet Ujala sand has been illegally mined by the illegal miners, which has caused loss to the government revenue. On questioning the villagers, no one's name was disclosed. Geo tagged photography and videography was done at the said site. The amount of ₹34,45,731/- has to be recovered from the illegal miners by the District Mining Office, Madhubani, and same is punishable, and recoverable under Section 21. An FIR lodged against the illegal miners under the said rule and relevant sections of the BNS. Hence, this case.

Learned counsel for the accused petitioners submitted that the petitioners are quite innocent, and have not committed any offence. There is no criminal

antecedent against the petitioners. The petitioners have been falsely implicated in this case. The prosecution of the petitioners is misconceived. The allegation leveled against the petitioners are false and imaginary. The petitioners were never involved in illegal mining of sand from any portion of river Balan, or ever transported any quantity of sand to any destination. The petitioners been involved in mining and transporting and villagers could have disclosed the names of the petitioners to the officers of the mining department, but it is surprising that there was no information to the mining authorities about the involvement of the petitioners in the mining and transportation of sand. That the tractor and the trailer of the petitioners were illegally seized on the bridge of Kishnipatti after lapse of about more than a month since registration of the case on 14.02.2026. The seizure list does not indicate that the tractor and the trailer were being used for transporting river sand. The trailer was not found loaded with sand or soil. Petitioners were never involved in mining sand, and in transporting it for sale. The petitioners have fallen victims of mischief, and have been made accused in the case because they could not grease the palms of the authorities. The petitioners never violated any provision of the Mining Act, and no offence of theft is made out. Accordingly, he prays to grant anticipatory bail to the accused petitioners.

Learned APP had opposed the prayer of anticipatory bail.

Heard the argument, and perused the case diary. In the instant case, FIR was lodged on the basis of written complaint by Mining officer, Madhubani, claiming a total loss of Rs.34,45,731 of state exchequer, due to illegal mining of sand. Witness in para-6 of case diary had supported the occurrence. On the basis of secret information, SHO had seized the tractor used in mining. That the petitioners are owner, and driver, respectively, of the alleged tractor seized. Considering these facts, I am not inclined to give privilege of anticipatory bail to the petitioners. Hence, anticipatory bail petition of petitioners namely **Abadh Narayan Yadav & Devendra Kumar** is hereby **rejected**.

Dictated

Sd/-

**Addl. Sessions Judge-II,
Jhanjharpur**

Memo No...../2026, Dated:.....

Copy of order forwarded to the court of Md. S. Rahman, J.M.-1st Class, Jhanjharpur for information and needful.

**Addl. Sessions Judge-II,
Jhanjharpur**