

**In The Court of Smt. Naghma Tarannum, Addl. Sessions Judge-IV, Danapur
Bail Petition No. 299 of 2026 (Bihta P.S. Case No. 172/26)**

Mukesh Kumar, aged about 35 years, s/o Harendra Yadav, r/o- Kelhanpur, P.S. Bihta, Distt. Patna.

..... Petitioner

Vs.

The State of BiharO.P.

Lawyer for the accused; Sri Abhiram Kumar (Adv.)

Lawyer for the State; Sri Kalam Ansari (Addl. P.P.)

Present: - Naghma Tarannum Addl. Sessions Judge-04, Danapur

ORDER

02.04.2026	<ol style="list-style-type: none"> 1. The present bail petition dated 06.03.2026 has been filed on behalf of the accused–petitioner, <i>Mukesh Kumar</i>, who is in judicial custody since 21.02.2026, in connection with Bihta P.S. Case No. 172 of 2026, registered for the offences punishable under Sections 303(2) and 317(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 56 of the Mines and Minerals Act. 2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is contended that no incriminating article has been recovered from his conscious possession and the allegation regarding theft and transportation of illegal sand by the petitioner is wholly baseless. It is further submitted that the petitioner was merely the driver of the alleged tractor and was apprehended by the officials of the Mining Department. 3. It is also argued that no prima facie case is made out under Sections 303(2) and 317(2) of the BNS. So far as the offence under Section 56 of the Mines and Minerals Act is concerned, the same is compoundable in nature, and the petitioner is ready and willing to deposit the requisite compounding fee in accordance with the Bihar Mineral Rules, 2019. It is further submitted that the petitioner has remained in custody since 21.02.2026, investigation has substantially progressed, and he undertakes to abide by all conditions imposed by the Court. 4. Learned Additional Public Prosecutor has opposed the prayer for bail, submitting that the allegations are serious in nature and that illegal sand has been recovered from the possession of the accused. It is further contended that there is a likelihood of the petitioner indulging in similar offences and absconding if released on bail. 	Contd.
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Contd. 02.04.2026	<p>5. I have considered the rival submissions and perused the materials available on record. It is well settled that while considering a prayer for bail, the Court is required to assess the nature and gravity of accusation, the role attributed to the accused, the materials collected during investigation, antecedents of the accused, and the likelihood of absconding or repetition of offence, without entering into a detailed appreciation of evidence.</p> <p>6. In the present case, the allegation pertains to transportation of illegal sand in a tractor. Admittedly, the petitioner is stated to be the driver of the said vehicle. The offence under the Mines and Minerals Act is compoundable in nature. The petitioner is in custody since 21.02.2026. Though paragraph 13 of the case diary indicates that one other case is pending against the petitioner, it appears that the investigation in the present case has substantially progressed. The petitioner has also expressed willingness to deposit the compounding fee with respect to the alleged recovered sand.</p> <p>7. Considering the aforesaid facts and circumstances, and without expressing any opinion on the merits of the case, this Court is inclined to enlarge the petitioner on bail.</p> <p>8. Accordingly, the bail petition is allowed. The petitioner, Mukesh Kumar, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned court below, subject to the condition that he shall deposit the compounding fee/charge in respect of the alleged recovered sand with the Department of Mines and Minerals, Government of Bihar.</p> <p>9. Let a copy of this order be communicated to the Superintendent of the concerned Jail as well as to the court concerned forthwith.</p> <p style="text-align: center;">Dictated</p> <p style="text-align: center;"><i>Addl. Sessions Judge-04, Danapur</i></p>	
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