IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50325 of 2026

Arising Out of PS. Case No.-303 Year-2025 Thana- ROH District- Nawada

==========

Binod Yadav S/o Late Narayan Yadav R/o Village - Makhar, PS - Roh, District - Nawada

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.
For the Opposite Party/s : Mr. Nityanand, APP

==========

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 21-08-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Roh P.S. Case No.303 of 2025 registered for the offences punishable under Sections 316(5), 318(4), 270, 303(2), 271, 280, 3(5) of the BNS, 2023 and Section 15 of the Environment Protection Act, 1986.

3. The allegation against the petitioner is that he, along with the other accused persons, was running an illegal brick kiln without payment of the requisite mining tax and without obtaining the environmental clearance/certificate, in violation of Rule 34 of the Bihar Mining Rules, 2019, as amended in the year 2024.

4. Learned Advocate for the petitioner submits that a bare perusal of the FIR would reveal that no particulars of the

WEB COPY

land upon which the alleged brick kiln was being operated have been disclosed. It is submitted that, merely on the basis of suspicion that a brick kiln was earlier being operated in the name of Vinod Int Udyog, of which the petitioner happens to be the owner, he has been implicated in the present case. It is further submitted that, on two earlier occasions, FIRs in respect of identical allegations were instituted against the petitioner. However, the factual position is that Vinod Int Udyog has already been closed since the year 2010. The petitioner undertakes to fully cooperate with the proceedings of the Court as well as any proceeding initiated by the Mining Department. In the event any notice is issued by the Mining Department, the petitioner shall appear before the authority concerned and submit his explanation, and, if any irregularity is found, he shall abide by the order of the competent authority and deposit the requisite fine/penalty, as may be determined in accordance with law.

5. *Per contra*, learned Advocate for the State vehemently opposed the prayer for bail and submits that the petitioner has three criminal antecedents, out of which two are of identical nature. It is, therefore, contended that the petitioner appears to be a habitual offender and has repeatedly transgressed the statutory rules and regulations governing mining activities and the operation of brick kilns.

WEB COPY

6. Having considered the rival submissions advanced on behalf of the respective parties and taking note of the fact that the FIR does not disclose the particulars of the land where the alleged brick kiln was being operated, coupled with the undertaking given by the petitioner to fully cooperate with the proceedings, whether initiated by the Mining Department or in connection with the present prosecution, and also taking note of the fact that the brick kiln in question is presently not operational, this Court is inclined to enlarge the petitioner on pre-arrest bail.

7. Accordingly, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Nawada in connection with Roh P.S. Case No.303 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

rohit/-

U		T	

WEB COPY