

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61093 of 2017

Arising Out of PS.Case No. -201 Year- 2017 Thana -BELHAR District- BANKA

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1. Ranjit Yadav, Son of Basuki Yadav, Resident of Village- Kerwar, Police Station- Belhar, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-12-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Belhar P.S.Case No. 201 of 2017 registered under Section 379/411 of the Indian Penal Code, Sections 4 and 40 of the Bihar Minor Minerals Concession Rules, 1972 and Section 4 and 21 of the Minor Minerals Act, 1957.

It is submitted that the petitioner being owner of the tractor in question was not aware as to how and under what circumstances the driver of the tractor was extracting the sand. He submitted that the petitioner has got no criminal antecedent and having got roots in the society is not likely to abscond or tamper with the evidence. He also contended that the ingredients of the offences alleged under Sections 379 and 411 of the Indian Penal



Code would not be attracted against the petitioner. He contended that the offences under the Bihar Minor Minerals Concession Rules, 1972 are all bailable in nature and the ingredients of the offences punishable under Sections 4 and 21 of the Minor Minerals Act, 1957 would not be attracted in the present case.

On the other hand, learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner. He submitted that the tractor belonging to the petitioner was found loaded with illegally mined sand.

Having heard the parties, taking into consideration the nature of allegation, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Banka in connection with Belhar P.S. Case No. 201 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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