

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50079 of 2018

Arising Out of PS.Case No. -94 Year- 2018 Thana -BAUNSI District- BANKA

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1. Lalan Kumar Yadav, S/o Nunulal Pd. Yadav, Resident of Village-
Shyam Bazar, P.S.- Bounsi, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Assistant Director, Mines and Geology Department, Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 14-08-2018 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bounsi Police Station Case No. 94 of 2018, disclosing offences under Sections B.M.M.C. Rules 1972 of Section 40(IV), V and (8) and Bihar Mineral Prevention of illegal Mining Transportation and Storage Rule 2003 of Sub Rule 6(4) and 3/4 of Prevention of Damage to Property, Act, 1984 and Section 379/411 of the Indian Penal Code.

Learned Counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, the petitioner happens to be owner of the Swaraj Tractor which has been seized. The



petitioner has no knowledge about the illegal transportation of sand. Moreover, the driver of the seized vehicle has already been granted bail by the learned lower court. Petitioner has also deposited Rs. 3142/- to the Mines Department, Banka on 25.04.2018, which is evident from annexure-2. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Banka, in connection with Bounsi Police Station Case No. 94 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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