

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43505 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- BARABAR TOURIST District- Jehanabad

Sanjay Yadav @ Banda, Son of Suryadeo Singh, Resident of Village-
Dakara, Police Station- Makhdumpur in the district of Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-07-2018

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 323, 341, 337, 353 and 504 of of the IPC and Section 40/20(a) Bihar Minor Mineral Concession Rules, 1972 and Sections 3/4/5 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 and Section 15 of Environment (Protection) Act, 1986.

The prosecution case, as per the written report dated 3.2.2018 of Competent Officer, District Mining, Jehanabad submitted to the SHO, Bishunganj, O.P. Jehanabad, is to the effect that on secret information that illegal mining of sand and transportation are going on, whereupon, raid was laid, and six tractors were seized. The spy disclosed the name of 12 persons including the petitioner leading to registration of the FIR.

It is submitted by learned counsel for the petitioner that on the basis of information given by the spy, the petitioner has been named in the FIR. The petitioner is neither connected with the sand in any manner nor any of



the seized vehicle. Statement to that effect has been made in paragraph 7 of the petition. It is further submitted that petitioner is accused in Makhdumpur P.S. Case No. 147 of 2015, though statement has not been made in the petition, but it is orally submitted that he is on bail in that case.

Learned counsel for the Mining submits that due to illegal mining and transportation of sand, huge loss is being caused to the public exchequer.

Considering the fact that petitioner has been made accused in this case on the statement of a spy and disowns any of the seized tractors, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM, 1st Class, Jehanabad in connection with Barabar Paryatan (Bishungaj, O.P.) P.S. Case No. 05 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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