

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65378 of 2018

Arising Out of PS. Case No.-205 Year-2018 Thana- RAJAON District- Banka

-
1. Binod Prasad Yadav @ Binod Yadav, Son of Hari Prasad Yadav,
 2. Chhotu Kumar Yadav @ Chhotu Yadav, Son of Jhakasu Yadav,
 3. Rajendra Yadav, Son of Phaiku Yadav.
 4. Nilesh Kumar @ Nilesh Yadav, Son of Rajendra Yadav.
 5. Dev Kumar, Son of Gajendra Prasad Yadav, All residents of Village- Gram Nayadih, Police Station- Rajoun, District- Manjhouni at Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shaishav Kumar
For the Opposite Party/s	:	Mr. Shyam Kumar Singh
For Mines Deptt	:	Mr. Naresh Dikshit and Braj Bihari Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 4/40 of Bihar Minor Mineral Rules, 1972, 6(4) and 8(d) of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 and Sections 431 and 379 of the IPC.

The prosecution case as per the written report of Maheshwar Paswan, Mines Inspector-cum-competent authority, Banka submitted to the SHO, Rajaun is to the effect that on 17.5.2018 at 10 A.M. while inspecting Majhauni Sand Ghat, he found that 14 persons were conducting illegal mining.



It is submitted by learned counsel for the petitioners that though the petitioners are named in the FIR but no storage of sand was found, however, on suspicion the accusation has been levelled. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

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

Considering the suspicious nature of accusation, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Banka in connection with Rajoun P.S. Case No.205 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

