

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66451 of 2018

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

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1. Dinesh Yadav Son of Basant Yadav
 2. Gore Lal Yadav Son of Basant Yadav
 3. Goutam Kumar Son of Dinesh Yadav All are Resident of Village-Sikanpur,P.S. Rajoun and Distt.-Banka

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Principal secretary cum commissioner,Department of Mines & Geology Government of Bihar,Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-12-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Rajoun P.S. Case No. 205 of 2018 dated 17.05.2018 instituted for the offences under Sections 431, 379 of the Indian Penal Code and Section 4/40 of B.M.M.C. Rules, 1972 and Section 6(4) and 8(d) of Bihar Minerals Prevention of Illegal Mining, Transportation & Storage Rule 2003.

It has been alleged in the FIR that while inspecting Majhoni area for ascertaining whether sand is being unauthorizedly extracted, it was found that sand which was collected at a place for preventing flood has been pilfered and stored at another place for the purposes of being sold in the market. In the process, it was learnt by the informant that petitioner and others



were also responsible for the same.

Learned counsel appearing for the petitioner has submitted that the source of such information has not been provided in the FIR. In fact, petitioners no. 1 and 2 are brothers whereas petitioner no. 3 is the son of petitioner no. 1. All the petitioners bear clean antecedents and never in the past were made accused in any case of this kind. It appears that the name of the petitioners have been provided by somebody of the area who is inimical to them.

Considering the aforesaid facts, the petitioners above named are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 205 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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