

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13071 of 2019

Arising Out of PS. Case No.-653 Year-2018 Thana- AMARPUR District- Banka *

-
1. Arbind Yadav, Son of Ashok Yadav Resident of Village - Mohiuddinpur/Mhdipur, P.S.- Jagdishpur, Distt - Bhagalpur.
 2. Gunjan Kumar Yadav, Son of Manni Yadav Resident of Village - Mohiuddinpur/Mhdipur, P.S.- Jagdishpur, Distt - Bhagalpur.
 3. Santosh Kumar @ Santosh Kumar Yadav@ Santosh Yadav, Son of Mohan Yadav @ Nakul Yadav Resident of Village - Laldarwaza, P.S.- Kotwali, Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-03-2019 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Amarpur P.S. Case No. 653 of 2018 dated 03.12.2018 instituted for the offences under Sections 379 and 411 of the Indian Penal Code; Sections 4/40 of the Bihar Minor Mineral Concession Rule, 1972; Sections 3, 6 & 8 of the Bihar Mineral (Prevention of Illegal Mining, Transportation and Storage) and Rule 2003/BMM (Illegal Mineral Transportation and Storage), 2003 as well as Section 15 of the Environment (Protection) Act 1986/Forest



Environment Act-1986.

Three trucks, unauthorizedly loaded with sand, were intercepted by the police. The drivers of two of the trucks viz. petitioner nos. 2 and 3 fled away. The petitioner no. 1 is stated to be the owner of two of the three trucks which are said to have been intercepted with sand loaded on the same.

Learned counsel for the petitioners has submitted that he had given specific instructions to the drivers of his vehicles not to load sand without a valid challan. It appears that the drivers of the petitioner has played truant and has accepted to transport sand without any valid challan. The bonafide of the petitioner no. 1 is further evident from the fact that he has already deposited the fine as per the rules and was not at all aware of the fact that his vehicle was being used for illegal purpose.

Considering the aforestated facts and taking into account the clean antecedent of petitioner no. 1, he is directed to be released on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 653 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as the petitioners no. 2 and 3 viz. Gunjan Kumar Yadav and Santosh Kumar @ Santosh Kumar Yadav @ Santosh Yadav are concerned, their prayer for anticipatory bail is rejected.

In case the petitioners no. 2 and 3 surrender before the court below, the court below shall pass orders in accordance with law without being prejudiced by the fact that their prayer for anticipatory bail has not been entertained.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

