

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14077 of 2019

Arising Out of PS. Case No.-501 Year-2018 Thana- RAJAON District- Banka *

MITHUN YADAV, Male, aged about 22 years, Son of Nago Lal Yadav,
Resident of Village-Rampur, P.S. Rajoun, District-Banka

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Brij Nandad Prasad, Adv.

For the Opposite Party : Mr. Ishrat Bano, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 08-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 22.12.2018 in connection with Rajoun P.S. Case No. 501 of 2018 for the offences alleged under Sections 379 and 411 of the Indian Penal Code, under Sections 4 and 40 of the BMMC Act, 1972, under Sections 3, 6, 8(d) of the Bihar Minerals Illegal Transportation and Storage Rules, under Sections 20B and 15 of the Forest Environment Act, 1986, and under Sections 3 and 4 of the Damage to Property Act.

The prosecution case, as lodged by the police personnel, is that in order to check illegal mining of stone chips and sand, the police constituted a raid party and recovered a loaded truck with stone chips, being driven by one Virendra Sahni. Thereafter, a tractor was seized, which was driven by the



petitioner and 100 cft of sand was loaded, no document in support of the purchase of sand was produced by the petitioner. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and bears no criminal antecedent. He was just the driver of the said vehicle and the owner of the sand has already deposited the amount in lieu of the sand before the District Mining Officer, Banka, which is letter no. 155/M, dated 25.01.2019, issued by the office of the District Mining Officer, Banka, as contained in Annexure 2.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Rajoun P.S. Case No. 501 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Banka.

(Nilu Agrawal, J)

Shamshad/-

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

