

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73286 of 2019

Arising Out of PS. Case No.-419 Year-2019 Thana- BANKA District- Banka

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1. DHIRAJ KUMAR S/o Ghanshyam Yadav R/o village- Majlispur, P.S.- Banka, Distt.- Banka
 2. Gunjan Kumar S/o Anuplal Yadav R/o village- Narayanpur, P.S.- Barahat, District- Banka

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Mining Officer-cum competent officer, Banka Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Mukherjee
For the Mines	:	Mr. Naresh Dixit
		Ms. Vaishnavi Singh
For the Opposite Party/s :		Mr.Bhanu Pratap Singh

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State. Learned Spl. P.P. for the Mines is also present.

The petitioners are in custody on their surrender since 02.09.2019 in connection with Banka P.S. Case No. 419/2019 registered for the offence punishable under Sections 379/411 of the Indian Penal Code, Section 8 of Bihar Mineral Prevention of illegal Mining Transportation and Storage Rule, 2003 Amendment 2014, 40 of the BMMC Rule 1972 and 15 Forest and Environment (Protection) Act, 1986.

Learned counsel for the petitioners submits that



only on the suspicion, the petitioners have been taken into custody though they have nothing to do with the Hiwa on which the illegal sand is alleged to have been loaded. It is further submitted that the petitioner's motorcycle was present near-by and, therefore, they have been taken into custody.

Considering the vague nature of allegations against the petitioners and that they have been arrested merely on suspicion and also because there are two other such cases, out of which in one case, the petitioners have already been granted bail, let the petitioners above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 419/2019, subject to the following conditions:-

(1) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(3) The petitioners shall remain physically present in court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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