

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80806 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- SUIYA District- Banka

1. PARMESHWAR YADAV Son of Jagdish Yadav Resident of Village - Dasdih, P.S. - Katoriya, District - Banka
2. Anil Yadav Son of Parmeshwar Yadav Resident of Village - Dasdih, P.S. - Katoriya, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Suiya P.S. Case No. 87 of 2019, registered for the offence punishable under sections 379, 411 and 34 of the Indian Penal Code and Rule 40 IV, V, VIII B.M.M.C. Rules, 1972 and Rule 6(4) B.M.P.T.M.T.S. Rules 2003.

As per allegation in the FIR, a tractor along with loaded trailer with illegally mined sand was caught and the FIR was registered.

It is stated that petitioner nos. 1 and 2 happen to be the owner and driver of the said tractor besides petitioner no. 2 being son of petitioner no. 1. It is further submitted that as stated



in paragraph no. 7 of the petition, subsequent to filing of this application, the petitioners have deposited the loss incurred as a result of the said illegal mining of sand and the said deposit would be evident from perusal of Letter no. 1925 dated 23.11.2019 of the District Mining Officer, Banka.

Having heard learned counsel for the parties, and considering the facts including the fact that petitioner has no criminal antecedent, the petitioners are directed to file an affidavit in the court below along with the letter/receipt in evidence of their having deposited the amount and on filing of the said affidavit. On filing of the said affidavit the petitioners are directed to surrender in the court below within a period of six weeks from today and in the event of their arrest or surrender, it is directed that the petitioners shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M, 1st, Banka in connection with Suiya P.S. Case No. 87 of 2019, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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