

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9561 of 2020

Arising Out of PS. Case No.-212 Year-2019 Thana- DHURAIYA District- Banka

Rajiv Kumar Yadav, aged about 30 years, Sex- Male, son of Bal Krishna Yadav, Resident of Village - Dumarjor Ahira, Ward No. 01, Police Station - Dhoraiya, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Bihar Mines and Minerals Department, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-06-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Dhoraiya P.S. Case No.212 of 2019 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code, Section 21 of MMDR Act, 1957, Section 56 of B.M.M.C. (PMTS) Rule, 2019 and Section 15 of E.P. Act, 1986.

The prosecution case, in short, is that on 21.11.2019 at about 8.30 hours during course of raid of illegal carrying of the sand at Dhoraiya Mahgama Pakki road near village Sadiyari More one Mini Hiwa bearing Registration No.10 GB 1447 was seized by the Mining Officer during course of search 300 CFT sand was found loaded on that vehicle and in this respect the



driver Raghu Kapri has failed to show any valid Challan and other valid documents due to which a case is registered against the driver and owner of the seized vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner further submits that the petitioner was not caught at the spt nor directly or indirectly involved in the alleged crime even he has no knowledge in respect of the act committed by his driver. The true fact is that the driver who loaded the sand on the vehicle without any valid permission for his personal use but has been arrested by the police and for which he deposited the amount in respect of loss incurred to the department and accordingly, released on bail. He further submits that the petitioner has got no any criminal antecedent and similarly situated co-accused has been granted bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount



each to the satisfaction of Shri Vikash Kumar, Judicial Magistrate-1st Class, Banka in connection with Dhoraiya P.S. Case No. 212 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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