

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7752 of 2020

Arising Out of PS. Case No.-524 Year-2019 Thana- RAJAON District- Banka

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1. HARENDRA @ HARENDRA PD. S/o Shyam Lal Resident of Village - Shyampur Binjee, Police Station - Korha, District - Katihar.
 2. Ajit Kumar S/o Balmukand Mandal Resident of Village - Naya Tola, Police Station - Bounsi, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Assistant Director, Mines and Geology Department, Banka. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Ms.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-06-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Rajoun PS case no. 524 of 2019 registered for the offences punishable under Sections 379/411 of Indian Penal Code, Section 21 MMDR Act, 1957, Section 56 of Bihar Mineral (Concession of Prevention of Illegal mining Transportation and Storage) Rule, 2019 and Section 15 of Environment Protection Act, 1986.



The allegation is regarding the police personnel having apprehended two trucks loaded with sand and upon inspection and interrogation of the petitioners herein, the petitioner no. 1 being the owner of the truck in question and petitioner no. 2 being the driver of the truck in question, could not produce any paper or challan regarding the alleged sand loaded on the vehicle.

The learned counsel for the petitioners has submitted that the petitioners are innocent and as far as petitioner no. 2 is concerned, he is having clean antecedent whereas petitioner no. 1 is accused in one other case. It is further submitted that the petitioner no. 1 is ready and willing to deposit the fine amount in question on account of loss caused to the Mining Department.

The learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioners as also taking into account the fact that the petitioners are ready and willing to deposit the loss amount in the Mining Department, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly,



the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun PS case no. 524 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure. It is further clarified that the petitioner no. 1 shall be liable to produce the challan showing payment of the fine/ loss amount to be deposited by him with the Mines department within a period of 08 weeks from today, failing which the aforesaid privilege of anticipatory bail being extended to him shall stand revoked automatically and he would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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