

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7574 of 2020

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

CHANDA KUMARI Wife of Dipak Kumar Resident of Village - Shyampur
Binjee, P.S.- Korha, Distt - Katihar.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. The Assistant Director, Mines and Geology Department, Banka. Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s :	Mr. Meena Singh, APP
For Mines Department :	Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State as also the learned Counsel appearing for the Department of Mines.

Petitioner apprehends arrest in Rajoun PS Case No. 524 of 2019 registered under Sections 379, 411 of the IPC, Section 21 of MMDR Act, Section 56 of Bihar Mineral Rules and Section 15 of Environment Protection Act.

The prosecution case is of seizure of two trucks loaded with sand. The petitioner is said to be owner of one of the truck bearing registration No. BR 11GB 8009.



Learned Counsel for the petitioner submits that being a female the petitioner be granted the privilege of anticipatory bail. Driver of the vehicle was arrested at the time of seizure. She has no knowledge or concern with the material loaded on the truck. The owner of the other vehicle namely Harendra Has been has been allowed anticipatory bail in Cr. Misc. No. 7752 of 2020. The petitioner has no criminal antecedent.

Learned APP for the State and the learned Counsel representing Mining Department have opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM in Rajoun PS Case No. 524 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

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

