

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18466 of 2020

Arising Out of PS. Case No.-103 Year-2019 Thana- DHANKUND District- Banka

1. Rajiv Kumar Yadav @ Rajeev Kumar, Male, aged about 26 years, Son of Uchilal Yadav, Resident of Village - Madhni, P.S.- Rajoun, District- Banka.
2. Guddu Prasad Yadav, Male, aged about 38 years, Son of Jaldhar Yadav, Resident of Village - Morama, P.S.- Rajoun, District- Banka.

... .. Petitioners

Versus

The State of Bihar, through the Secretary, Deptt. of Bihar Mines and Mineral
Bihar, Patna, Bihar.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Ranjan Kumar Jha, Advocate.
For the Opposite Party	:	Mr. Nityanand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-08-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

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

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 379/411 of the I.P.C.
and B.M.P.I.T. and Storage Rule, Amendment 2014, Section 8
of B.M.M.L. Rule 1972, Sections 40 and 15 of the Forest and
Environment (Protection) Act, 1986.

The prosecution story, in brief, is that on 23.08.2019



at about 15 O'clock, the informant alongwith the police personnel seized a Tractor bearing Chessis No. G2JSG734939SM loaded with sand near Babuta Nahar Bridge. The driver of the vehicle fled away.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner no. 1 is the owner and petitioner no. 2 is the driver of the Tractor in question. It is alleged that the sand was loaded on the Tractor. The Sand in question is not stolen property.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned S.D.J.M. Banka, in connection with Dhankund P.S. Case No. 103/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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