

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 17853 of 2020
Arising Out of PS. Case No.-520 Year-2019 Thana- Rajoun District- Banka

1. Ranvir Raj, aged about 24 years (male) son of Sri Ashwani Kumar Arya, R/v
Asha Tola Bariyarpur, Distt. Munger
2. Ranjeet Kumar Mandal, aged about 29 years (male), S/o Sri Yogi Mandal R/v
Raghopur Kharik, P.S. Raghopur, Distt. Bhagalpur

... .. Petitioners

Versus

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

... .. Opposite Party

Appearance :
For the Petitioner/ : Mr. Ajay Mukharjee, Adv.
For the State : Mr. Madhuranand Jha, APP.
For the Deptt. Of Mines. Mr. Naresh Dikshit, J.C. to Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2	15-092020	Heard learned counsel for the petitioners and learned APP for the State, through video conferencing. The petitioners have filed the instant application for grant of anticipatory bail in connection with Rajoun P.S. Case No. 520 of 2019 registered under sections 379 and 411 of the Indian Penal Code, section 40 of the BMMC Rules, 1972, section 8 of the Bihar Minerals Prevention of Illegal Mining & Transportation and Storage Rule, 2003 and section 15 of the Forest and Enviornment (Protection) Act, 1986. As per allegation in the FIR, on raid being conducted by the informant four tractors loaded with illegally mined sand were caught but the drivers of the same managed to escape. No challan was produced with respect to the loaded sand. As such,
---	-----------	--



the FIR.

It is submitted by learned counsel for the petitioners that no recovery as alleged has been made from the tractor of the petitioners. The petitioners have been implicated in this case as the petitioner no. 1 happens to be the owner and petitioner no. 2 the driver of the seized mini hiwa bearing Registration No. BR 10G 0260. It is submitted that the petitioners have no criminal antecedent.

The application for bail is opposed by learned counsel appearing for the Department of Mines, who submits that although the driver of the vehicle managed to escape but the vehicle in question belonging to the petitioner no. 1 and being driven by petitioner no. 2 was caught with 300 cubic feet of illegally mined sand and no documents were produced.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioners not being caught at the place of occurrence and they not having any criminal antecedent, the Court is inclined to enlarge the petitioners on anticipatory bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Rajoun P.S. Case No. 520



		of 2019, they shall be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/ (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/ Successor Court, Banka subject to the conditions as laid down under section 438(2) of the Cr.P.C.
--	--	--

(Partha Sarthy, J)

Sushma/-

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

