

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17399 of 2020**

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1. Sanjay Yadav, son of Ranjit Yadav
 2. Rajesh Yadav @ Rakta Yadav @ Rakesh Kumar, son of Munilal Yadav
 3. Pawan Yadav, son of Promod Yadav
All resident of village-Rampur, Police Station-Rajoun, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-07-2020 Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad, learned APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Rajoun P.S. Case No.266/2019 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code, Section 40/49 of B.M.M.C. Rule 1972, Section 8(a) of Bihar Minerals Protection Mining Transportation and Storage Rule 2003 and Environment Act, 1986.

Learned counsel for the petitioners submits that on perusal of the First Information Report it would appear that a raid was conducted on secret information in the village and the raiding party found in the southern side of the village near some of the houses at five points sand had been stored. Altogether five persons have been



made accused in connection with the said storage of sand without there being any valid license.

Learned counsel submits that in the First Information Report there is no allegation that the sand have been found on the land of these petitioners, further the First Information Report though states that on verification from different villagers the name of these petitioners and others were disclosed by them, but in the seizure list there is no independent witness and only members of the police party have been made seizure list witness.

Learned counsel also submits that these petitioners have got no criminal antecedent.

Learned APP for the State has though opposed the prayer for anticipatory bail of these petitioners, but on finding that in the First Information Report it is alleged that near some of the houses the sand were stored and then name of these petitioners have been stated by some of the villagers but from the seizure list it appears that none of the villagers has signed the same, there being an argument that *prima-facie* there is no material to connect these petitioners with the place from where sand have been seized and further that the petitioners have no criminal antecedent, let the petitioners above named in the event of their arrest or surrender within a period of six weeks from today in connection with Rajoun P.S. Case No.266/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each



to the satisfaction of learned Chief Judicial Magistrate, Banka,
subject to the conditions as laid down under Section 438 (2) of the
Cr.P.C. i.e.

(i) a condition that the person shall make himself available
for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him from
disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

