

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16673 of 2020

Arising Out of PS. Case No.-12 Year-2020 Thana- AMARPUR District- Banka

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1. SUNIL YADAV S/o Bindeshwar Yadav, R/o village- Sobhanpur, P.S.- Amarpur, District- Banka.
 2. Pintu Paswan, S/o Sadho Paswan, R/o village- Sobhanpur, P.S.- Amarpur, 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 ANJANI KUMAR SHARAN
ORAL ORDER

2 16-07-2020 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 379 and 411 of the Indian Penal Code, Section 56 of the Bihar Minerals Concession Prevention of Illegal Mining Transportation and Storage Rules, 2019, Section 21 M.M.D.R. Act, 1957 and Section 15 of the Environment Act, 1986.

Prosecution case is that as per FIR, on 06.01.2020 at about 22.00 hours, the informant Vijay Prasad Singh, Mining Officer arrived at Maldevchak, where the police personnel obstructed a tractor vehicle, loaded with sand, for inspection.



During inspection, it was come to the knowledge of the informant that on seeing the police personnel, the driver of the said vehicle fled away and no one came to produce the challan regarding the loaded sand on the aforesaid vehicle. Thereafter, the informant seized the tractor vehicle bearing Reg. No. BR51G-3240 loaded with 100 CFT of sand and accordingly, present case has been lodged.

Learned counsel for the petitioners submits that the petitioners are quite innocent and have committed no offence, have falsely been implicated in this case. Petitioner no. 1 is the owner of the tractor and petitioner no. 2 is the driver of the said tractor. There are valid challan of the tractor but unfortunately in the way there are some mechanical problem in the tractor. The petitioners called for the technician for shot out the problem but it took time so the petitioners could not reach in time and challan of the said vehicle was expired. The petitioners have got no criminal antecedent.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks



from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur P. S. Case No. 12 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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