

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16954 of 2020

Arising Out of PS. Case No.-102 Year-2020 Thana- BANKA District- Banka

1. PAPPU YADAV Son of Chhato Yadav Resident of Village- Kakna, P.S. and District- Banka.
2. Jipu Yadav Son of Chhatish Yadav Resident of Village- Kakna, Samukhiya, P.S. and District- Banka.
3. Mithlesh Kumar Yadav Son of Nepu Yadav Resident of Village- Kakwara, P.S. and District- Banka.
4. Jethan Raut Son of Ayodhya Raut Resident of Village- Kakna, P.S. and District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE SECRETARY, DEPTT. OF
BIHAR MINES AND MINERAL BIHAR, PATNA-1 Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Mr. Arun Kumar Singh, the learned APP appearing for the State.

The petitioners apprehend their arrest in connection with Banka P.S. Case No. 102 of 2020 for the offence punishable under Sections 379/411 of the Indian Penal



Code and Section 8 of Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Rule 2003, Section 40 of BMMC Rule, Section 21 of MMDR Act, 1957 and Section 15 of Environment Protection Act.

The case of the prosecution, in brief is that on 05.02.2020 at about 8:30 A.M., during the course of inspection, the informant and other police personnel had arrived at Pokhariya Chowk, where they saw three tractor vehicles loaded with sand coming from opposite side and on seeing the police personnel, two drivers of the said vehicles succeeded in fleeing away, however, one person was caught. It is further alleged that no Chalan was produced regarding the loaded sand on the aforesaid tractor vehicles.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that the petitioners have not been named in the FIR but during the course of investigation, the names of the petitioners have figured, being the owners / driver of the seized tractors. It is stated that the petitioner nos. 1 to 3 are owners of the seized tractors while petitioner no. 4 is driver of the petitioner no.2. It is submitted that the drivers of the tractor



vehicles in question have misused the tractor vehicles belonging to the petitioners no. 1 to 3, without their knowledge or permission, thus the said petitioners cannot be saddled with the liability of illegal sand being transported on their tractor and if at all any illegal sand was being ferried, the same has been done by the drivers without the consent of the petitioners. It is also submitted that the petitioners no. 1 to 3 undertake to deposit the amount of loss caused to the mining department.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the petitioners are ready to deposit the loss amount and are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above-named shall be enlarged on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Banka P.S. Case No.



102 of 2020.

(Mohit Kumar Shah, J)

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