

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16922 of 2020

Arising Out of PS. Case No.-98 Year-2019 Thana- SUIYA District- Banka

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1. BISHESHWAR YADAV S/o of Sri Naresh Yadav R/o Village- Bhelwa, P.S.- Suiya, District- Banka.
 2. Uday Yadav S/o Sri Naresh Yadav R/o Village- Bhelwa, P.S.- Suiya, District- Banka.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioners apprehend their arrest in connection with Suiya P.S. Case No. 98 of 2019 for the offence punishable under Sections 379, 411/34 of the Indian Penal Code, Section 40 IV, V, VIII BMMC Rule 1972 and Section 6(4), BMPTS Rules-2003.

The allegation, as per the FIR, is that on 23.11.2019



at about 2 A.M. while the informant and other police personnel were on patrolling duty and had arrived at Chhira Chawk, they saw two tractors loaded with sand and after chase, the tractor vehicles loaded with sand were apprehended, however, the drivers succeeded in fleeing away. It is alleged that illegal sand was being transported on the said tractors.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case and the petitioner no.2 is having a clean antecedent, however, as far as the petitioner no.1 is concerned, he is accused in one other case. It is submitted that the petitioner no.1 is driver of the tractor whereas the petitioner no.2 is owner of the tractor and the petitioner no.2 is ready and willing to deposit the fine amount in question on account of loss caused to the Mining Department.

The learned Additional Public Prosecutor 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 petitioner no.2 is ready and willing to deposit the loss amount with the Mining Department, 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, are directed to be released 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 Additional Chief Judicial Magistrate-1/ Successor Court, Banka in connection with Suiya P.S. Case No. 98 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr. P.C..

It is further directed that the petitioner no.2 shall be liable to produce the Chalan showing payment of fine, pertaining to the loss amount, to be deposited by him with the Mining Department within a period of twelve weeks from today, failing which the aforesaid privilege of anticipatory bail being extended to him shall stand revoked automatically and he would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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