

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18241 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- AMARPUR District- Banka

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1. Maheshwari Singh, aged about 36 years (Male), S/o Late Ganauri Singh, R/o Village-Naroun, Police Station-Shambhuganj, District-Banka.
 2. Pappu Yadav, aged 26 years (Male), S/o Sri Udesb Yadav, Resident of Village-Golahu Bindi, Police Station-Banka, District-Banka.

... .. Petitioners

Versus

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

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Ajay Mukherjee, Advocate.
For the State	:	Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-08-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 379/411 of the I.P.C., M.M.D.R. Act 1957, Section 21 of the Bihar Mining Concession and Prevention of Illegal Mining Transportation and Storage Rule, 2019 and Sections 56 and 15 of the Environment (Protection) Act 1986.



The prosecution story, in brief, is that on 04.01.2020 at about 3.00 P.M., the informant alongwith other police personnel obstructed a *Hyva* vehicle loaded with sand. The driver of the said vehicle succeeded to flee away and no one could produce challans/papers regarding the loaded sand on the said vehicle. Thereafter, the informant seized the *Hyva* vehicle bearing No. BR-53G 1197, loaded with sand about 300 CFT and, accordingly, lodged the present against the driver and the owner of the seized vehicle.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. The petitioner no. 1 is the owner and petitioner no. 2 is the driver the vehicle in question. The petitioners have no intention to commit theft of the sand in question.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners above named, in the event of arrest or surrender before the learned court below within a



period of eight weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned Chief Judicial Magistrate/Successor Court, Banka, in connection with Amarpur P.S. Case No. 04/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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