

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17549 of 2020**

Arising Out of PS. Case No.-93 Year-2020 Thana- BANKA District- Banka

1. ANOJ RANA Son of Jharu Rana Resident of Village - Balarpur, P.S. - Banka, District - Banka.
2. Bittu Rana Son of Makdum Rana Resident of Village - Balarpur, P.S. - Banka, District - Banka.
3. Subhash Kapri Son of Sudden Kapri Resident of Village - Balarpur, P.S. - Banka, District - Banka.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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

3 23-09-2020 Heard learned counsel for the petitioners and Mr. Md. Ataur Rahman, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Banka (Barhat) P.S. Case No. 93 of 2020 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code and Section 8 of B.M.P.I.M.T.S. Rule, 2003 and B.M.M.C. Rule, 1972 of Section 40 of BMMDR Act 1957 of Section 21 and 15 F.E. Act.

Learned counsel for the petitioners submits that the First Information Report in question has been lodged after the police party intercepted Hyva vehicle bearing registration no. BR11GC-4230 and a Truck bearing registration no. BR34G-5484 loaded with illegally extracted sand. It is alleged that the arrested



labourers disclosed that the illegally extracted sand are being stored on the land of five named accused persons and in this business the loader owner Santosh Sah is actively involved in illegal mining/loading, transportation and storage. Police lodged the F.I.R. alleging that with the help of the drivers, vehicle owners and the land owners were involved in the alleged business.

It is the specific case of the petitioners that so far as these petitioners are concerned they are neither the owner or driver of the seized vehicles nor the land where the illegally extracted sand was stored belonged to the petitioners. These petitioners have otherwise no criminal antecedent.

In order to verify as to who is the land owner of the land on which the illegally extracted sand were being stored, this court called for the case diary. The name of land owner has been disclosed as one Raman Singh who is not before this court.

Although learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners, but in view of the materials suggesting no prima-facie material so far independently indicating towards their involvement in illegal mining and the verification of land shows that it belong to some other person, the petitioners are neither owner nor the driver of the vehicles and have not been seen with the vehicles, let the petitioners above-named in the event of their arrest or surrender within a period of



four weeks from today in connection with Banka (Barhat) P.S. Case No. 93 of 2020 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'.

