

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20450 of 2020

Arising Out of PS. Case No.-400 Year-2019 Thana- BELHAR District- Banka

1. NANDLAL MANDAL Son of Kishori Mandal Resident of Village- Chaura, P.S.- Belhar, District- Banka.
2. Ashok Yadav @ Ashok Kumar Yadav Son of Late Naresh Yadav Resident of Village- Chaura, P.S.- Belhar, District- Banka.
3. Munilal Yadav @ Munna Yadav Son of Bhutto Yadav Resident of Village- Chaura, P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-07-2020 The Court proceeding has been conducted through virtual mode.

Heard learned counsel for the petitioner, State and Mr. Naresh Dixit, learned counsel for the Department of Mines.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 379, 411 of the IPC and Section 56 of the Bihar Minerals (Concession Prevention of Illegal Mining Transportation and Storage) Rules, 2019, Section 21 of the MM(D &R) Act, 1957 and Section 15 of the Environment (Protection) Act, 1986.

The prosecution case, as per the written report of



Vijay Prasad Singh, the Mining Development Officer submitted to the Station House Officer, Belhar Police Station is to the effect that on 31.12.2019, during patrolling, 2000 CFT sand was found stored during enquiry, it was found that the petitioners had stored the alleged sand.

Learned counsel for the petitioners submits that only on the basis of suspicion, the petitioners have been roped in the present case. The petitioners were not present on the place of seizure. A statement has been made in paragraph no.8 of the petition to the effect that the petitioners are not having any concern either with the alleged sand or with the land on which the sand was stored. The same reads as follows:-

“That the petitioners have no concern and connection either with the alleged storage of sand or with the land in question from which the sand has been recovered.”

Mr. Naresh Dixit, learned counsel for the Mining Department submits that due to illegal mining, huge loss is being caused to the public exchequer. The undertaking on behalf of the petitioner be recorded that he will never claim the sand in question.

Considering the fact that the petitioners were not apprehended from the spot and the statement made in the



petition to the effect that the petitioners do not claim over the sand or land in question as well as the petitioners, having no criminal antecedent, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months in the event of arrest or surrender before the learned Court below on furnishing one surety to the satisfaction of the learned C.J.M., Banka, in connection with Belhar P.S. Case No. 400 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned CJM, Banka in connection with Belhar P.S. Case No. 400 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in



physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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