

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17876 of 2020**

Arising Out of PS. Case No.-110 Year-2019 Thana- KATORIYA District- Banka

Mangal Singh Son of Vasudev Singh Resident of Village - Panjarpatta, P.S.-  
Katoriya, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Adv.  
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      16-09-2020                      Heard learned counsel for the petitioner and  
learned APP for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Katoriya P.S. Case No.110 of 2019, registered under sections 379 and 411 of the Indian Penal Code, sections 4 and 21 of the M.M.R.D Act and sections 4 and 40 of the B.M.M.C. Rules, 1972.

As per allegation in the F.I.R., on secret information having been received, the tractor in question loaded with illegally mined sand was stopped. It is stated by the informant that the driver of the vehicle abandoned the tractor



and managed to escape.

It is submitted by learned counsel for the petitioner that no recovery of any illegally mined sand was made. He has been falsely implicated in the case on the ground that he was the driver of the said vehicle. It is further submitted that owner of the seized vehicle has deposited the estimated loss amount with the authority which would be evident from letter no. 23 dated 6.1.2020 (Annexure-2) written by the Mining Development Officer, Banka to the Chief Judicial Magistrate, Banka. The petitioner has no criminal antecedent.

The application for bail is opposed by the learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the deposit of the loss amount which is evident from the letter enclosed as Annexure-2, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Katoriya P.S. Case No.110 of 2019, he will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

**(Partha Sarthy, J)**

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