

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19770 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- BANKA District- Banka

1. Bibhash Kumar Son of Umesh Yadav Resident of Village - Majlishpur, P.S. and District- Banka
2. Sumit Kumar Suman Son of Krishna Mohan Yadav Resident of Village - Lashkari, P.S. and District- Banka

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 12-08-2020 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners apprehend their arrest in connection with Banka (Barahat) P.S. Case No. 26 of 2020 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code, MMDR Act, 1975 and Section 21 BMC Rule 2019 of Section 56 and Forest and Environment Protection Act, 1986.

Petitioner no. 1 happens to be owner whereas petitioner no. 2 happens to be driver of tractor bearing Registration No. BR51G-3773 on which 100 CFT sand was found illegally loaded.



Learned counsel of the petitioners submits that as a matter of fact, on the alleged date of occurrence the tractor was given to another person who illegally loaded sand on the said tractor. He further submits that on the alleged date of seizure, tractor in question was not being driven by the petitioner no. 2 and so far as petitioner no. 1 is concerned, he was not aware of loading of sand on his tractor. He further submits that moreover, petitioners have specifically pleaded at para 8 of the petition that they are ready to deposit the loss amount with mining department.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within eight weeks from today shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in Banka (Barahat) P.S. Case No. 26 of 2020, subject to conditions as laid down under Section 438(2) of the Cr.P.C. and furthermore, they shall deposit loss amount with mining department within a month from the date of execution of bail bonds and shall produce receipt of deposited amount before the court below. However, it



is made clear that if petitioners fail to do so, the learned court below shall be at liberty to cancel the bail bonds of the petitioners.

(Hemant Kumar Srivastava, J)

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