

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18005 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- AMARPUR District- Banka

=====

PATRAKAR OM PRAKASH ALOK @ OM PRAKASH YADAV Son of
Subhash Prakash Yadav @ Subhash Yadav Resident of Village-
Mahmmadpur, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Assistant Director, Mines and Minerals Department, Bihar, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2020 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 petitioner and
learned APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 353, 379 of the Indian Penal Code and
Section 21 of the M.M.D.R. Act, 1957 and Section 56 of Illegal
Mining Concession Protection and Illegal Mining
Transportation and Storage Rule 2019 read with Section 15 of
the Environment Protection Act, 1986.



Prosecution case, in short, is that the informant along with police personnel arrived at Widanchak, then he saw a tractor vehicle loaded with sand coming towards Widanchak lane. On demand, the driver could not produce the challan. The petitioner and others obstructed the informant and started protesting against the informant. The petitioner and others made scuffle with the police personnel.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is a journalist. He has got no concern with the sand loaded on the tractor in question. He has been made accused due to mistake of fact. He has no knowledge that the sand in question has been obtained by way of illegal mining.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of Chief Judicial Magistrate, Banka in connection with Amarapur



P.S. case No.39 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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)

Narendra/-

U		T	
---	--	---	--

