

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.17410 of 2020**

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Mohril Yadav @ Moril Yadav, son of Raj Kumar Yadav, Resident of Village-Golahu, P.S.-Banka, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Assistant Director, Mines and Geology Department, Banka.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s :     | Mr.Ajay Mukherjee Adv.     |
| For the Opposite Party/s : | Mr. Akhileshwar Dayal, APP |
| For the Mines Department:  | Mr. Naresh Dikshit, Adv.   |

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

- 2      21-07-2020                      Heard learned counsel for the petitioner, Mr. Akhileshwar Dayal, learned APP for the State and Mr. Naresh Dikshit, learned counsel for the Department of Mines, Government of Bihar.

The petitioner in the present case is seeking pre-arrest bail in connection with Rajoun P.S. Case No.518 of 2019 registered for the offence punishable under Sections 379/411 of the Indian Penal Code, Section 56 of Bihar Minerals (Concession Prevention of Illegal Mining Transportation and Storage) Rule 2019, Section 21 of MMRD Act, 1957 and Section 15 of Environment Protection Act 1986.

Learned counsel for the petitioner submits that there is an allegation of involvement of tractor owned by the petitioner in loading sand which are being extracted illegally. Learned counsel



submits that the brother of this petitioner was driving the tractor who was arrested and has recently been enlarged on bail. It is his submission that the tractor was taken away by his brother without any knowledge of the petitioner.

Mr. Naresh Dikshit, learned counsel for the Department of Mines submits that recently the extraction of sand through illegal mining has increased manifold and it is a loss to the entire nation as the natural resources are being extracted illegally and the tractor and other vehicles are being used and whenever police party are going to stop them even people involved in this kind of business are interfering and violating with the police personnel.

It is submitted that in this case though there is no allegation of having any scuffle with the police party but the submission of the Department is that the owners of the vehicles who are involving in this kind of loading of illegally extracted mines need to be discouraged and by way of preventive measures this Court may consider rejecting the prayer for anticipatory bail of this petitioner.

Having regard to the facts and circumstances of this case wherein admittedly the petitioner is the owner of the tractor which has been found involved in loading of sand which are being extracted illegally, this Court having noticed the submissions that the petitioner is involved in causing loss to the nation and such offences are in the nature of economic offence, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner. His prayer is, thus,



refused.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of six weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this 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'.

