

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18011 of 2020

Arising Out of PS. Case No.-99 Year-2019 Thana- SUIYA District- Banka

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1. MOSMT. JIRWA DEVI @ JIRWA DEVI Wife of Late Thagdhhu Singh R/o Village- Belari (Surakol), P.S.- Suiya, District- Banka.
 2. Dukhan Kumar S/o Late Thagdhhu Singh R/o Village- Belari (Surakol), P.S.- Suiya, District- Banka.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Kalyan Shankar

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 petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 379, 411/34 of the Indian Penal Code and Section 40 IV, V, VIII BMMC Rule 1972 and Section 6(4) of Bihar Minerals Protection Mining Transportation and Storage Rule 2003.

The prosecution case, in short, is that the informant



has got secret information that one tractor was loading sand from Bilari ghat in illegal way. On that information, the informant and other police personnel arrived there and seeing the light of the police vehicle the driver and other labourers leaving the tractor succeeded in fleeing away.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioners are not named in the F.I.R. Subsequently their name has come in course of investigation. The petitioner No.1 is said to be the owner of the tractor and petitioner No.2 is said to be the driver of the tractor in question. The petitioner No.1 is a lady. The petitioners have 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 petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioners, 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 their personal bond to the satisfaction of Chief Judicial Magistrate, Banka in connection with Suiya P.S. case No.99 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners will 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)

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