

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 18973 of 2020

Arising Out of PS. Case No.-177 Year-2017 Thana- BELHAR District-Banka

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1. Brajesh Kumar Yadav, Son of Raghunath Yadav (owner), R/O Vill-Kailash Pahari, P.S.- Belhar, District – Banka
2. Shambhu Kumar Yadav, Son of Sadanand Yadav, R/O Vill-Bijjikhurwa, P.S. – Belhar, 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 :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP
For the Mines Deptt. : Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

02 20-07-2020

Heard Mr. Ajay Mukherjee, learned Advocate for the petitioner, and the learned APP for the State and Mr. Naresh Dikshit, learned Advocate for Mines Department.

The petitioners seek bail in anticipation of their arrest in connection with Belhar P.S. Case No. 177 of 2017 dated 20.08.2017 instituted for the offences under Sections 379 and 411 of the Indian Penal Code, Section 4/40 of BMMC Rule 1972 and Section 4/21 of M.M. (D & R) Act 1957.



The petitioners are the owner and driver of the seized tractor which were found to be loaded with sand.

It has been submitted on behalf of the petitioners that they were not aware about the illegal lifting of sand. In fact, the sand was loaded only after making them understand that after obtaining a proper permit, the sand was lifted.

Regard being had to the aforesaid facts and the clean antecedents of the petitioners, they are directed to be released on bail, in the event of their arrest/surrender before the court below within a period of six weeks, on their furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate/successor court, Banka in connection with Belhar P.S. Case No. 177 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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