

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22724 of 2020

Arising Out of PS. Case No.-71 Year-2020 Thana- BANKA District- Banka

MD. ISTEKHAR S/o Md. Shamasher Jamani Resident of Jamuni Khiribandh,
P.S.- Jagdishpur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Assistant Director, Mines and Geology Department, Banka Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Mukherjee
For the Opposite Party/s	:	Smt. Anita Kumari
For the Mines Deptt.	:	Mr. Naresh Dixit

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner, Spl PP Mines and learned APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.



Petitioner apprehend his arrest in connection with Banka P.S. Case no. 71 of 2020 instituted for the offence under Section(s) 379, 411 of the Indian Penal Code, Section 40(8) of the BMMC Rule, 1972, Section 8 of Bihar Mineral Prevention of illegal Mining and Transportation and Storage Rule 2003 Amended 2014 and Section 15 of the Forest and Environment (Protection) Act 1986.

850 CFT of sand is allegedly recovered from a truck, from which the driver has been arrested.

Petitioner's counsel submits that being the owner of the truck, he has been implicated in the instant case. He has no criminal antecedents and has no concern whatsoever with the sand allegedly recovered from the truck. It is a case of false implication.

The learned Spl PP Mines and learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner before the court below, named above, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the CJM/ successor Court Banka, in connection with Banka P. S. Case no. 71 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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