

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23210 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- RAJAON District- Banka

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1. VIKASH KAUSHIK S/O Birendra Naraian Singh Resident of at 149C Madhubani, Police Station - Purnea, District - Purnea.
 2. Ravi Yadav @ Ravi Kumar Yadav Son of Ramroop 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. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-09-2020 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.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

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 of I.P.C., Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining



Transportation & Storage) Rule 2019 and Section 21 MM (D & R) Act, 1957 and Section 15 of Environmental Protection Act, 1986.

Allegation is that one truck loaded with 1202.88 CFT of sand is recovered.

It has been submitted on behalf of the petitioners that the petitioner No.2 has 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 the owner and driver of the truck in question. The allegation of theft of sand or illegal mining of sand is denied by the petitioners. There is no compliance of Section 100 of Cr.P.C.

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

Considering the aforesaid facts and circumstances, 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. case No.44 of



2020, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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