

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20166 of 2020**

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Chhabil Yadav @ Chabilal Yadav, Son of Munnu Yadav @ Manni Yadav,
resident of Chaura, P.S.-Belhar, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Nazmul Hoda, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, APP

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

2 24-07-2020 Learned counsel for the petitioner undertakes to

remove all the defects within three weeks after start of normal

functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Rajesh Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail

in connection with Belhar P.S. Case No.400/2019 registered for

the offences under Sections 379/411 of the Indian Penal Code

and Section 56 of Bihar Minerals (Concession Prevention of

Illegal Transportation & Storage) Rules2019, Section 21 of MM

(D& R) Act, 1957 and Section 15 of Environment Protection

Act.

Learned counsel for the petitioner submits that as per

the prosecution story the sand were found stored near the



eastern Bandh of Bhaduhar river and on mere suspicion it has been alleged that the petitioner has been involved in storage of sand. It is further submitted that in paragraph '8' the petitioner has made a categorical statement that he has no concern with the land on which the sand has been lying stored and seized by the police. The petitioner is also not having any criminal antecedent.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein there is no specific allegation against the petitioner that he had stored the sand on his own land and from the seizure list it appears that the sand has been seized lying in the eastern side of the Bandh of Bhaduhar River, in view of the specific statement of learned counsel for the petitioner that the sand was not lying on the land of the petitioner, let the petitioner above named in the event of his arrest or surrender within a period of six weeks from today in connection with Belhar P.S. Case No.400/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

rajeev/arvind-

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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'.

