

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22221 of 2020

Arising Out of PS. Case No.-93 Year-2020 Thana- BANKA District- Banka

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1. Saurabh Kumar, Son of Rama Shankar Ray, R/o Village- Hariharpur Ranaulia, P.S.- Bathanaha, District- Sitamarhi.
 2. Akhilesh Kumar @ Akhilesh Sharma, S/o Bindeshwari Sharma, Resident of Village- Narayanpur, P.S.- Narayanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.
For the Opposite Party/s : Mr. Pradeep Narayan Kr., APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 18-09-2020 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the stamp reporter, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioners and the learned A.P.P. appearing for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Banka (Barahat) P.S. Case No. 93 of 2020, registered under



Sections 379/411 of the Indian Penal Code and Section 8 BMPIMTS Rule 2003, Section 40 BMMC Rule 1972, Section 21 of the BMMDR Act, 1957 and Section 15 of the Environment Protection Act.

The accusation is that in course of patrolling duty, informant along with other police personnel reached at Balarpur Village then saw that sand was stored inside the road and the same was being loaded on the truck by some persons. On seeing the police party, they started to flee away but on chased, two persons were apprehended, who disclosed their names as Chhatu Rajak and Vamvilash Mandal, labourer and driver of Hyva vehicle. Thereafter, informant seized Hyva vehicle bearing registration no. BR11GC-4230 loaded with 1000 CFT illegal sand and one truck bearing registration no. BR34G-5484 loaded with 750 CFT illegal sand was also recovered from there. The caught hold persons disclosed that Surendra Kapri, Subhash Kapri, Karu Yadav and Bittu Rana were engaged in illegal sand business extracted the same from Chanan River.

Learned counsel for the petitioners submits that both petitioners are not named in the FIR but later on, both petitioners have been implicated in the present case being the owner and driver of truck bearing registration no. BR34G-5484,



from which, 750 CFT illegal sand was recovered. Learned counsel for the petitioners further submits that petitioners are ready to deposit the fine, which will be imposed by the Mince Department.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on 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, Banka, in connection with Banka (Barahat) P.S. Case No. 93 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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