

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21441 of 2020

Arising Out of P.S. Case No.-186 Year-2019 Thana-Chandan District-Banka

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Rajeev Kumar, son of Ram Chandar Prasad @ Ram Chandar Mahto, resident
of Village Bhahuwara, P.S. Bhakhari, District Begusarai.

... .. Petitioner

Versus

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

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Appearance :

For the Petitioner : Mr. Ajay Mukherjee
For the Opposite Party : Mr. Mritunjay Kr. Nirala

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-07-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Chandan P.S. Case No. 186 of 2019, disclosing the offence punishable under Sections 379/411 of the Indian Penal Code, Sections 4/40 of BMMC Rule, 1972 and Section 21 of MMDR Act, 1957.

It is admitted that the petitioner is owner and driver of a tractor bearing Registration No. BR34G-8470. It is the case of the prosecution that the said tractor was seized by the mining officials which was found to be loaded with illegally extracted sand.

Learned counsel appearing on behalf of the petitioner has submitted that no offence is made out against him only on the ground that he is the owner-cum-driver of the vehicle.



I am not inclined to grant the petitioner privilege of anticipatory bail in the background of direct allegation that the tractor was found being used for illegal mining of sand and the petitioner, who was driving the vehicle, had fled away from the place of occurrence. There is statement made in paragraph 12 of the application that the petitioner has deposited the loss of revenue because of illegal mining of sand to the tune of Rs. 19,142=00 in the account of Mining Department/ Mining Officer, Banka.

Because of spurt in such illegal mining of sand and the petitioner's direct involvement in commission of the offence as alleged in the FIR, I am not inclined to grant him privilege of anticipatory bail.

This application is accordingly dismissed.

However, the petitioner is directed to surrender before the Court below within two months from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

It is also indicated that defects, if any, shall be removed within two months from today.

Since there is a lockdown, the Court has considered it



appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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