

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26296 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- RAJAON District- Banka

CHHATU YADAV Son of Malori Yadav Resident of Village- Singhnan, P.S.-
Rajoun, District- Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Director Bihar Mineral Mining Corruption Department, Bihar, Patna.
Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad
For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-10-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Akhileshwar Dayal, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Rajoun (Nawada Bazar) P.S. Case No. 10 of 2020 for the offence registered under Sections 379 and 411 of the Indian Penal Code, Section 21 of MMDRA Act, 1957, Section 56 of the Bihar Mineral Concession Prevention of Illegal Mining Transportation and Storage Rules, 2019 and Section 15 of the



Environment Protection Act, 1986.

The allegation is regarding the tractor/trailer of the petitioner having been seized by the police and it was found that the same was loaded with sand, however, upon enquiry no documents regarding the said sand could be produced.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is the owner of the tractor and he is ready to deposit the amount of loss caused to the Mining Department.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner is having a clean antecedent and he is ready and willing to deposit the loss amount with the Mining Department of the State Government, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his



arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond 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 (Nawada Bazar) P.S. Case No. 10 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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