

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26224 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- BELHAR District- Banka

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1. RAHUL KUMAR YADAV Son of Jagdev Yadav Resident of Village-Taraiya, P.S.- Belhar, District- Banka.
 2. Dharmendra Kumar Yadav Son of Hari Yadav Resident of Village-Ghorghara Tola, Chirauta, P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-10-2020 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 petitioners and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Belhar P.S. Case No. 17 of 2020 for the offence registered under Sections 379 and 411 of the Indian Penal Code, Section 56 of the Bihar Minerals (Concessions, Prevention of Illegal Mining Transportation and Storage) Rules, 2019, Section 21(1) of MM (D & R) Act, 1957 and Section 15 of the Environmental



Protection Act.

The allegation is regarding the police personnel having apprehended two tractor vehicles loaded with sand at the alleged date and time of occurrence, however, no challan regarding the loaded sand could be produced. It is also alleged that the sand was being illegally carried on the said tractors without any valid documents/papers regarding the same.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedent. It is further submitted that the petitioners are ready to deposit the amount of loss caused to the State Government on account of illegal ferrying of the sand.

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 petitioners and taking into account the fact that the petitioners are having clean antecedent and are ready to deposit the amount of loss caused to the State Government on account of illegal ferrying of sand, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.



Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four 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 learned C.J.M., Banka in connection with Belhar P.S. Case No. 17 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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