

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26131 of 2020**

Arising Out of PS. Case No.-236 Year-2019 Thana- DHURAIYA District- Banka

DEEPAK KUMAR MANDAL Son of Ramdeo Mandal Resident of Village-
Bishwaskhani, P.S.- Hanwara, District- Godda (Jharkhand)

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Brij Nandad Prasad, Advocate
For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner apprehends arrest in connection with Dhoraiya Police Station (for brevity, PS) Case No 236 of 2019 instituted for the offence punishable under Section (s) 379,



411/34 of Indian Penal Code, Section 56 of BM (CPIMTS) Rules 2019 and Section 21 of MMDR Act, 1957.

The allegation in the First Information Report is that 100 Cubic Feet sand was being illegally transported by a tractor.

Petitioner's counsel submits that, being owner, he had no knowledge about the contents loaded on the tractor by the Driver. Without prejudice to his rights to contest the prosecution allegation, he has already deposited the amount of alleged loss cause to the State revenue on account of such theft. The petitioner has placed on record one letter dated 25.01.2020 issued by the Mines Development Officer, Banka in support of his submission regarding deposit of the loss. Petitioner's counsel further submits that the petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Judicial Magistrate, 01st Class, Banka in Dhoraiya PS Case No 236 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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