

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23935 of 2020

Arising Out of PS. Case No.-169 Year-2020 Thana- BANKA District- Banka

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1. VIKASH SAH Son of Maheshwar Sah Resident of Village- Chandpur, P.O. and P.S.- Gogri, District- Khagaria.
 2. Chandan Kumar Son of Sanjeev Prasad @ Sanjeev Mandal Resident at Ward no.6, P.O. and P.S.- Gochhari, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Tiwary, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-12-2020 Heard the learned counsel for the petitioners and Sri Amitesh Kumar, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Banka P.S. Case No. 169 of 2020 registered for the offence punishable under Sections 379/411 of the Indian Penal Code, Sections 8(a), 8(b) of the BMPITS Rule 2002 Amended 2014, Section 40 of the BMMC Rule, Section 21(i), 21(4) of the BMMDR Act 1957 and Section 15 of the Environment Protection Act.

The case of the prosecution in brief is that on



29.02.2020, the informant along with other police personnel had arrived at Vindi village and while they were conducting inspection, they saw a truck loaded with sand coming from the opposite side and on seeing the police personnel, the driver of the said vehicle fled away. Upon apprehending the said vehicle and upon search, it transpired that the said truck was loaded with 1000 CFT of sand.

The learned counsel for petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having clean antecedent. It is further submitted that the petitioners are owner and driver of the truck in question and they are ready to pay the amount of loss suffered by the State Government on account of non-payment of the royalty / cess amount.

Per contra, the learned APP 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 they are ready to pay the cess amount / the amount of loss caused to the State Government, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S.Case No. 169 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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