

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26583 of 2020

Arising Out of PS. Case No.-47 Year-2020 Thana- DHURAIYA District- Banka

MD. ZIYAUL HAQUE Son of Md. Minhaz Alam Resident of Village-
Karhariya, P.S.- Dhoraiya, District- Banka

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-11-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks from the date of restoration of normalcy.

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

The petitioner is apprehending his arrest in a case
registered under Sections 379, 411 of the Indian Penal Code,
Section 56 of Bihar Minerals Concession Prevention of Illegal



Mining Transportation and Storage Rule, 2019, Section 21 of MMDR Act, 1957 and Section 15 of Environment Protection Act.

The prosecution case in short is that the accused persons were involved in illegal mining of sand.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is the owner of the truck in question on which sand was loaded. The allegation of illegal mining is denied by the petitioner. For oblique reasons, the petitioner has been implicated in the present case by the informant.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Banka in connection with Dhoraiya P.S. Case No. 47/2020, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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