

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26505 of 2020

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

BIPIN YADAV @ BIPIN KUMAR Son of Shyam Yadav Resident of Village -
Taraiya, P.S. - Belhar, District - Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Managing Development officer- cum- Incharge Mining Inspector,
Banka. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Smt. Sangita Sharma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-10-2020 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 379/511 of the Indian Penal Code and
Section 56 of Bihar Minerals (Concessions, Prevention of



Illegal Mining Transportation and Storage) Rules, 2019 and Sections 21(1) of MM (D & R) Act, 1957 and Section 15 of Environment Protection Act.

Allegation is that on 15.01.2020 during inspection the informant along with other police personnel reached at Bichchi Bihiyar-Taraiya Dhalai road, then two tractors loaded with sand coming from oppositeside and on seeing the police personnel, the drivers of the vehicles fled away.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner has been made accused due to seizure of the tractor in question loaded with sand. The petitioner had no knowledge regarding the alleged incident. The petitioner was not present at the place of occurrence. The petitioner has been made accused due to mistake of fact.

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

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 C.J.M., Banka in connection with Belhar P.S. case No.17 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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