

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26732 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- RAJAON District- Banka

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1. MINAKSHI DEVI, Wife of Jai Shankar Prasad, Resident of Village- Sikanpur, Manjhoni, P.S.-Rajoun, District- Banka.
 2. Jai Shankar Prasad, S/o Nakul Prasad Yadav, Resident of Village- Sikanpur, Manjhoni, P.S.-Rajoun, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director Bihar Mineral Mining Corruption Department, Bihar, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-11-2020 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending arrest in connection with Rajoun (Nawada Bazar) P.S. case no. 20 of 2020 for the offence under Sections 379, 411 of the Indian Penal Code and Section 56 of Bihar Mineral (Concession, Prevention of Illegal Mining Transportation and Storage) and Section 21 of the MMDR Act, 1957.

Allegation against the petitioners is that they were involved in illegal lifting of sand.

Petitioner no.1 is owner of the Tractor, whereas



petitioner no.2 is the driver of the said tractor.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedent. He further submits that Sections 379 and 411 of the I.P.C. are not attracted in the present case, as the offence, if any, have been committed by these petitioners' comes under the Bihar Mineral (Concession, Prevention of Illegal Mining Transportation and Storage) Act.

Considering the fact that the petitioners have got no criminal antecedent, the petitioners named above, in the event of arrest or surrender before the court below within one month from the date of communication of the order, are directed to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Rajoun (Nawada Bazar) P.S. case no. 20 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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