

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23055 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- BAUNSI District- Banka

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1. Upendra Yadav, aged 60 years (Male), S/o Hari Yadav, Resident of Village- Amba, P.S .- Banka, Distt- Banka.
 2. Dhanilal Yadav, S/o Sri Bharat Yadav, Resident of Village- Manjira, P.S.- Banka, Distt- Banka.

... .. Petitioners

Versus

1. The State of Bihar.
2. The Assistant Director, Mines and Geology Department, Banka. Bihar

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Ajay Mukherjee, Advocate.
For the State	:	Mr. Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-09-2020 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 petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 379/411 of the I.P.C. and Bihar Minor Mineral Concession Rule 1972, Amended in



2014, Section 40 of BMMC Rule 2003, Sections 8(a) 8(b) of Environment Protection Act 1986, u/s 15(A).

The prosecution story, in brief, is that on 14.01.2020, the informant alongwith other officials seized a Tractor bearing Registration No. BR-51B-4755 alongwith its Trailer bearing Registration No. BR-51B-4756 on which Sand was loaded. The driver of the vehicle fled away from the place of occurrence.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The sand loaded on the vehicle in question is denied by the petitioners. The petitioner no. 1 is the owner and petitioner no. 2 is the driver of the vehicle in question. The petitioners are not named in the F.I.R. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are not named in the F.I.R.

Considering the facts and circumstances of the case, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M./Successor Court, Banka, in connection with Bounsi P.S. Case No. 07/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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