

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26978 of 2020

Arising Out of PS. Case No.-110 Year-2020 Thana- BANKA District- Banka

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1. KESHAV KISHOR Son of Arvind Pal Resident of Village - Vishanpur, P.S.-
Rajoun and District - Banka
 2. Deepak Kumar Son of Arjun Yadav Resident of Village - Daadpur, P.S.-
Amarpur and District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey Adv.

For the Opposite Party/s : Mr. Parmanand Kumar APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Parmanand Kumar, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause



list.

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

Learned counsel for the petitioners is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Banka P.S. Case no. 110 of 2020 instituted for the offence under Sections 379 and 411 of the Indian Penal Code, Section 8(a), 8(b) of the BMPITS Act 2003, Section 40 of BMMC Rule, Section 21(1) and 21(4) of the BMMDR Act, 1957 and Section 15 of the FE Act, 1986.

1050 FT of illicit sand is said to have been transported on the truck of petitioner No.1.

It is submitted by the petitioners' counsel that without prejudice to their right in the trial and subject to result of the case, petitioners are willing to deposit the amounts of loss caused to the Mines Department. They are the owner and driver of the truck respectively. It is further submitted that it is a case of false implication. The truck of petitioner no.1 was being plied for normal commercial transportation and



the same was ever used for transportation of any illicit sand. The petitioners have been framed in the instant case on extraneous consideration.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the rival submissions and the undertaking to deposit the amounts, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of CJM Banka, in connection with Banka P.S. case no. 110 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail



bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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