

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23752 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- SUIYA District- Banka

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1. ARUN KUMAR YADAV Son of Karu Yadav Resident of Village - Dhanouchhi, P.S.- Chandan, District - Banka.
 2. Sachchidanand Yadav Son of Tipan Yadav Resident of Village - Paharpur, P.S.- Katoria, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr Tarun Pd Mandal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 01-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels 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.

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

Petitioners apprehend their arrest in connection with Suiya Police Station (for brevity, PS) Case No 28 of 2020 instituted for the offence punishable under Section (s) 379, 411,



188, 270, 269, 271, 291/34 of Indian Penal Code, Section 56 of BM (CPIMTS) Rules 2019 and Section 21 of MMDR Act, 1957.

Two tractors with 100 Cubic Feet sand has been seized from near the river leading to lodging of the First Information Report. Petitioner No 1 is allegedly the Owner of the tractor and petitioner No 2 is said to be the Driver.

It is submitted by the petitioners' counsel that the petitioners have been implicated in this case without any basis. Petitioners had no knowledge about the sand being loaded on their tractors as they were not present at the place from where the recovery has been made. It is further submitted that from the order of rejection dated 29.06.2020 passed by the Sessions Judge, Banka, it is apparent that the amount of alleged loss has already been deposited in favour of the Mines Department.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in Suiya PS Case No 28 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also 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 fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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