

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24619 of 2020

Arising Out of PS. Case No.-141 Year-2020 Thana- BANKA District- Banka

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1. Raman Kumar, Son of Umesh Yadav, Resident of Village- Kallar Tola, P.S.- Muffasil (Khagaria), District- Khagaria.
 2. Parshuram Mandal, Son of Kare Mandal, Resident of Village and P.O.- Satish Nagar, P.S.- Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr. Humayon Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-12-2020 Heard learned counsel for the parties through Video Conferencing.

Petitioners apprehend arrest in a case registered for the offence punishable under Sections 379 and 411 of the Indian Penal Code, Section 40 of BMMC Rule, Section 21(1) and 21(4) of BMMDR Act, 1957 and Section 15 of F.E. Act, 1986.

As per the prosecution case, on 18.02.2020 at about 21 hours, truck loaded with illegally mined sand was seized and on enquiry, no challan, in support of the same, was shown due to which a loss of Rs.58,420/- (Rupees Fifty Eight Thousand Four Hundred Twenty) was caused.

It is submitted on behalf of the petitioners that



Petitioner No.1 is the owner and Petitioner No.2 is the driver of the vehicle in question and they have falsely been implicated in this case. No case under Sections 379 and 411 of I.P.C. is made out against the petitioners.

However, learned counsel for the opposite party has opposed the prayer for bail and submitted that the truck of Petitioner No.1 has been seized loaded with 1050 CFT illegally mined sand and same was being transported without having any valid challan.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners.

Hence, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Singh, J)

Ankit/-

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