

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29162 of 2020**

Arising Out of PS. Case No.-304 Year-2020 Thana- BANKA District- Banka

Nitish Kumar S/o- Gajendra Yadav R/o- Village- Pataldish, P.S.- Banka and District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 04-12-2020 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor representing the State through video conferencing.

The petitioner apprehends arrest in a case registered for the offence punishable under section 379 and other ancillary sections of the Indian Penal Code, section 21 of the MMDR Act, 1957 and section 150 of the FE Act, 1986.

A Mahindra tractor, loaded with 100 CFT illegal sand, was seized of which the petitioner is the owner.

In paragraph 7 of the bail petition, the petitioner has stated that he has deposited alleged revenue loss of Rs. 19,213/- vide Patrank No.809 dated 15.6.2020, as contained in Annexure 2 to the bail petition . It is further submitted that the petitioner



was not present on the spot and it was his driver who was engaged in illegal mining of sand without his knowledge. Petitioner has got no criminal antecedent.

In the facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in Banka Police Station Case No. 304 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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