

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28993 of 2020**

Arising Out of PS. Case No.-404 Year-2019 Thana- RAJAON District- Banka

SANJAY KUMAR YADAV @ SANJAY YADAV Son of Ranjit Yadav  
Resident of Village- Rampur, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate  
For the State : None.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      18-12-2020                      Heard Mr. Brij Nandad Prasad, learned counsel for  
  
the petitioner through video conferencing. Nobody appears on  
  
behalf of the State.

Petitioner apprehends arrest in connection with  
Rajoun P.S. Case No. 404 of 2019 registered for the offences  
punishable under Sections 379/411 of the Indian Penal Code,  
Section 8 BPIM Rule, 2003, Section 40 BMHC Rule 1972,  
Section 21 MM (D & R) Act, 1957 and Section 15 of  
Environmental Protection Act.

The allegation as per the First Information Report is  
that during inspection, the Police Party found seven tractors  
standing near the bank of river loaded with sand, but no one was  
found present in the said tractors. The name of petitioner along  
with others has surfaced upon enquiry by the Police party that



the petitioner along with others are engaged in illegal mining activity of sand.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case without any material. Learned counsel further submits that petitioner is neither owner of the tractors which have allegedly been seized loaded with sand, nor he is driver. Learned counsel also submits that from the allegation made in the First Information Report at best provisions of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 is applicable, which came into force with effect from 17.09.2019 and from perusal of the rules 56, it would be evident that from the period from 17.09.2019, a sum of Rs.10,000/- can be imposed as fine along with value of the minerals found in the carrier.

Having regard to the submissions made by the parties and taking into consideration the materials on record, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Rajoun P.S. Case No. 404 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

**(Anil Kumar Sinha, J)**

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