

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28808 of 2020

Arising Out of PS. Case No.-35 Year-2019 Thana- DHANKUND District- Banka

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1. SANJAY PRASAD YADAV Son of Laxman Prasad Yadav Resident of Village - Chaksapiya, P.S.- Rajoun, District - Banka
 2. Nirmala Devi Wife of Sanjay Prasad Yadav Resident of Village - Chaksapiya, P.S.- Rajoun, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-12-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and Sri Pranav Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Dhankund PS case no. 35 of 2019 registered for the offences punishable under Sections 353 and other allied sections of Indian Penal Code, Section 40 of BMMC Rule 1972, Section 8 of BMITPS Rules, 2003 and Section 15 of Environmental Protection Act, 1986.

The petitioners are stated to have been ferrying



sand on tractors without genuine challans and when the tractors were stopped by the police officials, the petitioners had fled away.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that the petitioner no. 1 is the driver and petitioner no. 2 is the owner of the said tractors in question and it is submitted that they are ready to deposit the royalty amount/ amount of loss caused to the State Government on account of illegal ferrying of sand.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the petitioners are having clean antecedent and they are ready to deposit the amount of loss caused to the State Exchequer, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Banka in connection with Dhankund PS case no. 35 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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