

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28866 of 2020

Arising Out of PS. Case No.-13 Year-2020 Thana- JAIPUR District- Banka

SANDIP KUMAR Son of Pyarelal Yadav Resident of Village - Dulampur,
P.S.- Jaipur, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Adv.

For the Opposite Party/s : Mr. Ram Naresh Roy, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-12-2020 Heard Mr. Satish Chandra Mishra, learned counsel
for the petitioner and Mr. Ram Naresh Roy, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner apprehends his arrest in connection with
Jaipur PS Case No. 13/2020 registered for the offence
punishable under Sections 379/411 of the IPC, U/S 4/40 of the
BMMC Rules, 1972 and U/S 4/21 (i), 4 (A) of the MMRD Act,
1957.

3. The allegation, as per First Information Report, is
that during patrolling, the informant along with the police
personnel, arrived at Daharlangi Village and saw a tractor
loaded with red sand was coming from the opposite side and on
seeing the police party, the driver of the said tractor fled away
leaving the vehicle. The police seized the tractor loaded with red



sand.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and the petitioner is the driver of the tractor. Learned counsel further submits that owner of the tractor has been granted bail by the learned court below itself vide order dated 24.06.2020 passed in B.P. No.420/2020 and he has deposited the compensation amount of Rs. 19,213/- in favour of Mining Department.

5. Learned counsel further submits that as per allegation made against the petitioner in the FIR, at best, the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 will be applicable which came into force on 17.09.2019 and from perusal of Section 56 of the said Rule, it would be evident that a fine of Rs. 10,000/- can be imposed including value of seized materials in the vehicle.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that owner of the tractor has been granted bail after depositing the fine, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, SANDIP KUMAR shall be



released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Banka in connection with Jaipur PS Case No. 13/2020, subject to the conditions as laid down under Section 438(2) CrPC.

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

(Anil Kumar Sinha, J)

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