

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29731 of 2020

Arising Out of PS. Case No.-136 Year-2020 Thana- RAJAON District- Banka

1. SANTOSH KUMAR SINGH S/o Jay Prakash Singh Resident of Village-Shripur Aghara Tola, P.S.-Naugachiya, District-Bhagalpur.
2. Birendra Kumar Chaudhary S/o Kedar Chaudhary Village-Dhoria Kharik, P.S.-Kharik, District-Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr. Rajballav Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 379, 411, 188, 269, 270, 271, 290 and 291 of the Indian Penal Code and Rule 56 BM (CPIMTS) Act,



2019, Section 21 of MMDR Act 1957 and 15 of the Environment Protection Act, 1986.

The prosecution case, in short, is that the accused persons were involved in the illegal sale of sand.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Two trucks were apprehended where it was alleged that the sand in question was illegally being transported. Petitioner no. 1 is the owner of the truck in question while petitioner no. 2 is the driver of the truck. They had no knowledge regarding the alleged incident. There is no recovery from the possession of the petitioner. There is no compliance of Section 100 of Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each 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. 136 of 2020 corresponding to Reg. No. 1172 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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