

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72913 of 2019

Arising Out of PS. Case No.-166 Year-2019 Thana- DHURAIYA District- Banka

Kaleshwar Yadav @ Kaleshar Yadav, aged about 66 years, Male, Son of Late Mishri Yadav, Resident of Village - Paraswanna, P.O.- Ammapali, P.S.- Pirpanti, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-03-2020 Heard learned counsel for the petitioner, Learned counsel for the Mines and Minerals and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Dhoraiya P.S. Case No. 166 of 2019 registered for the offences punishable under Sections 379/411 of the Indian Penal Code, Sections 4/40 of B.M.M.C. Rules, 1972, Sections 3, 6, 8 of Bihar Illegal Mining Transportation and Storage 2003, Section 21 of MMDR Act, 1957 and Section 15 of Forest and Environment Prevention Act, 1986.

Learned counsel for the petitioner submits that the present petitioner is the owner of the vehicle and has no knowledge of the fact that his vehicle was used for



transportation of sand which had been illegally mined. It is further submitted that the petitioner has no criminal antecedent and there is some confusion in the challan with regard to the vehicle number as a result of which the petitioner's driver was taken into custody. Learned counsel for the petitioner further submits that the petitioner come to know about the alleged incident his authorized representative contacted the local Mining Office and had got deposited requisite fine/penalty as well. A Challan bearing No.084077 to the tune of Rs.27,426 deposited by the petitioner is kept on record.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 166 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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