

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4446 of 2020**

Arising Out of PS. Case No.-233 Year-2019 Thana- AMARPUR District- Banka

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1. Santosh Ray, Son Late Gopal Roy Resident of Village - Vasudevpur, P.S.- Amarpur, Distt.- Banka.
  2. Rajesh Roy @ Rajesh Ray Son of Late Gopal Roy Resident of Village - Vasudevpur, P.S.- Amarpur, Distt.- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar Minerals Mining Transport Corporation Banka, Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arbind Kumar Sharma  
For the Opposite Party/s : Mr. Uday Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      29-02-2020                      Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 341, 323, 353, 379 and 411 of the IPC and Rule 8 of the Bihar Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules 2003 and Rule 40 of the Bihar Minor Mineral Concession Rules, 1972 and Section 15 of the Environment Protection Act, 1986.

The prosecution case is that a tractor loaded with sand was intercepted and seized and the when the tractor was being taken to the police station, in the meantime, all the accused persons



including the petitioner got the sand unloaded and also got the tractor released.

It is submitted by learned counsel for the petitioner that the petitioner was not present at the place of occurrence. Moreover, co-accused Priyanka Devi and Mithila Devi have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 17.10.2019, passed in Cr. Misc. No. 62639 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the Mines submits that due to illegal mining, huge loss has been caused to the public exchequer.

Considering the fact that the tractor in question has finally been seized by the police and the other co-accused persons have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, coupled with the fact that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Banka in connection



with Amarpur P.S. Case No. 233 of 2019, subject to the  
condition as laid down under Section 438(2) of the Cr. P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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