

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81203 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- BANDHUWA KURAWA District- Banka

1. Nawal Kishore Yadav Son of Mahavir Yadav, Resident of Village - Sanpdahar, P.S.- Bounsi, District - Banka.
2. Bikash Kumar Son of Bhim Mandal, Resident of Village - Sanpdahar, P.S.- Bounsi, District - Banka.

... .. Petitioners

Versus

1. The State of Bihar
2. The Assistant Director, Mines and Geology Department, Banka. Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379/411 of the Indian Penal Code, Rules 4 and 40 of Bihar Minor Minerals Concession Rules, 1972 and Sections 4/21(i) and 4/21(4A) of Mines and Minerals (Development and Regulations) Act, 1957.

The prosecution case is that the petitioners were found transporting illegal sand on two tractors and on being asked to produce the document, they failed to produce Challan with regard to the sand loaded on the tractors.

It is submitted by learned counsel for the petitioners that the petitioners are simply owner and driver of the tractor in question



and they have falsely been implicated in the present case. It is further submitted that even assuming the accusation to be true, no offence under Sections 379 and 411 of the Indian Penal Code and Rules 4 and 40 of Bihar Minor Minerals Concession Rules, 1972 is made out against the petitioners. The offence under Sections 4/21(i) and 4/21(4A) of Mines and Minerals (Development and Regulations) Act, 1957 are bailable. A Statement has been made in paragraph-3 of the petition that petitioners are not having any criminal antecedent.

Learned A.P.P. for the State submits that the petitioners were found carrying illegal sand on tractors.

Considering the nature of accusation, coupled with the statement made in paragraph-3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on bail, in the event of their arrest or surrender before the court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-1, Banka in connection with Bandhuwa Kurawa P.S. Case No.33 of 2019, subject to conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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