

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.667 of 2020

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

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1. Bittu Kumar Roy, aged about 30 years, Gender-Male, Son of Amrendra Ray, Resident of Village - Khalsati Kar Jagdiha, P.S- Banka Town, Distt - Banka.
 2. Kittu Kumar Roy, aged about 20 years, Gender-Male, Son of Amrendra Ray Resident of Village - Khalsati Kar Jagdiha, P.S- Banka Town, Distt - Banka.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Subhash Kumar Jha, Advocate.
For the Opposite Party	:	Mr.Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 17-06-2020 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.

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

The petitioners are apprehending their arrest in a case for the offence registered under Sections 379, 411 of the IPC, 4/40 of B.M.M.C. Rule 1972, 3, 6, 8 of Bihar Mineral Illegal Mining Transportation and Storage, 2003, Section 21 of M.M.D.R. Act, 1957 and Section 15 of Forest and Environment Protection Act, 1986.

The prosecution story, in brief, is that on 31.08.2019 the informant during patrolling, seized one Mini Highwa bearing Registration No. BR10GB-2882 and one Tractor loaded



with Sand. During investigation, it has come that 300 CFT Sand was loaded on Mini Highwa for which the driver of the said vehicle produced a Challan bearing U.I.D. No. 446249237222 which was issued for Vehicle No. BR 10GB-2889 for loading of 150 CFT Sand valid for the period 29.08.2019 at 6.23 P.M. to 30.08.2019 till 6.23 P.M whereas on seized Mini Highwa, 350 CFT Sand was loaded. Likewise, the seized Tractor was without number of Swaraj Model 735 FE, Chessis No. WZT630427/35386, Engine No. 391354/HG007791A on which 100 CFT Sand was loaded. The driver of the said vehicle fled away from there.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner no. 1 is alleged to be the owner and the petitioner no. 2 is alleged to be the driver of the Tractor in question. It is said that the Sand was loaded on the said Tractor and no permit was produced in respect to the same. It has been submitted on behalf of the petitioners that the petitioners had Challan which was valid from 29.08.2019 at 6.23 P.M. to 30.08.2019 at 6.23 P.M. but due to certain technical



problem in the said Tractor, the said Tractor could not be transported on the said date. The Tractor of the petitioners was seized on 31.08.2019.

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

Considering the facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned J.M. Ist Class, Banka, in connection with Dhoraiya P.S. Case No. 166 of 2019 corresponding to Registration Case No. 2485 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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