

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81184 of 2019

Arising Out of PS. Case No.-220 Year-2019 Thana- SHAMBHUGANJ District- Banka

1. Amarjeet Kumar Son of Damodar Yadav R/o Village- Kumarsar Shora, P.S.- Sangrampur, District- Munger.
2. Rupesh Kumar S/o Swroop Prasad Resident of Village- Garsol, P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered for the offence under sections 379 and 411 of the Indian Penal Code, section 8 of the BM (PIMTS) Rule, section 40 of the BMMC Rule and section 15 of the Forest and Environment Protection Act.

As per the allegation in the FIR, a tractor was seized which was involved in illegal mining of sand. It is stated that the driver of the tractor managed to escape.

It is submitted by learned counsel for the petitioners that



the petitioner no. 1 happens to be the owner and petitioner no. 2 happens to be the driver of the tractor. It is submitted that the allegations as levelled in the FIR are false and concocted. As would be evident from Annexure 2 to this application, the loss alleged to have been caused as a result of illegal mining has been deposited by the petitioner no. 1.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioners on bail. The petitioners above named, in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Shambhuganj P.S. Case no. 220 of 2019 are directed to be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Banka subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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