

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85125 of 2019

Arising Out of PS. Case No.-203 Year-2019 Thana- BELHAR District- Banka

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1. NILESH KUMAR Son of Jyotindra Nath Choudhary Resident of Village-Janakpur, P.S- Tarapur, District- Munger.
 2. Manish Kumar @ Manish Kumar Yadav Son of Late Girish Yadav Resident of Village-Charaiya, P.S-Belhar, District-Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The State of Bihar through the Principal Secretary, Deptt. of Mines and Mineral, Patna, Bihar. Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Belhar P.S. Case No. 203 of 2019, registered for the offence punishable under Sections 379, 411 of the Indian Penal Code and Sections 8(a), 8(b) of the Bihar Mineral (Prevention of illegal Mining and Transportation and Storage Rule 2003 40 of BMMC Rule 1972 and 15 of Environment Protection Act, 1986.

The allegation is regarding seizure of three tractors by the informant which were loaded with illegal sand and it is alleged



that illegal excavation was conducted by the petitioners and other accused persons, which would result in adversely affecting the climate and environment.

The learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case and they are having a clean antecedent. It is further submitted that the petitioners are having deep roots in the society, as such, they are not likely to flee away from the investigation or the ensuing trial.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, coupled with the fact that the petitioners are having deep roots in the society and are not likely to flee away from the investigation or the ensuing trial, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S.



Case No. 203 of 2019, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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