

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86014 of 2019

Arising Out of PS. Case No.-502 Year-2019 Thana- AMARPUR District- Banka

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1. VISHAL YADAV Son of Dinesh Yadav Resident of Village - Laxmipur, P.S.- Amarpur, District- Banka
 2. Baiju Kumar Son of Manikant Sah Resident of Village - Madachak, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 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 Amarpur P.S. Case No. 502 of 2019, registered for the offences punishable under Sections 379/411 of the Indian Penal Code and Section 40 of the B.M.M.C. Rule 1972 and Bihar Minerals Protection of illegal Mining Transportation and Storage Rules 8(a) and 8(b) and 15 of the Forest Environment Protection Act, 1986.

The allegation is regarding the informant having apprehended the tractor of the petitioners and having found that illegal sand was being transported even after expiry of the



challan.

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 submitted that the petitioner no. 1 is the owner of the tractor in question and the petitioner no. 2 is the driver and the fact is that the challan was valid upto 3:40 pm on 10.10.2019, however, the tractor is said to have been seized on 10.10.2019 at 11:00 pm. It is further submitted that delay had taken place in transporting the said sand loaded tractor since it had encountered mechanical problem and some time was taken for repairing the same.

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 were having valid challan upto 03:40 pm on 10.10.2019, however, the tractor is said to have been apprehended by the informant, loaded with sand, at 11pm. on the very same day and considering the explanation of the petitioners to the effect that the tractor of the petitioners had broken down, which had resulted in some time being taken to repair it, 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 Amarpur P.S. Case No. 502 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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