

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27443 of 2020

Arising Out of PS. Case No.-99 Year-2020 Thana- BANKA District- Banka

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1. VIRENDRA YADAV Son of Jyotish Yadav Resident of Village- Vaidachak, P.S.- Banka, District- Banka.
 2. Rajesh Kumar Yadav Son of Chhatish Yadav Resident of Village- Manikchak, P.S.- Banka, District- Banka.

... .. Petitioners

Versus

1. The State of Bihar
2. The Director, Department of Mines and Minerals, Bihar, Patna. Bihar, Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-01-2021 Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners apprehend arrest in Banka (Barahat) PS Case No. 99 of 2020 registered under Sections 379, 411 of the IPC, Section 8 BMPIMTS Rules 2013, Section 40 of BMMC Rules, 1972, Section 21 MM(D & R) Act 1957 and Section 15 of Environmental Protection Act.

It is a case where allegedly sand has been recovered from a Mini Hyva vehicle said to be owned by petitioner No. 1. Petitioner No. 2 is Allegedly the driver, who has also been implicated in this case.

Learned Counsel for the petitioners submits that without



prejudice to their rights they are willing to deposit the amount of revenue alleged to be due on account of such seizure. He further submits that the implication is false on extraneous consideration. The petitioners bear no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions and in view of the undertaking to deposit the amount without prejudice, this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Banka in Banka (Barahat) PS Case No. 99 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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