

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23711 of 2020

Arising Out of PS. Case No.-36 Year-2020 Thana- SHAMBHUGANJ District- Banka

1. SUBODH YADAV S/o Chandra Mohan Yadav Resident of Village- Araj
Karshop, P.O. and P.S.- Shambhuganj, Distt- Banka.
2. Deepak Kumar Yadav @ Deepak Kumar S/o Jeevan Prasad Resident of
Village- Dhobai, P.O. and P.S.- Tarapur, Distt- Munger.
3. Ranjeet Mandal S/o Subhit Mandal Resident of Village- Tildiha, P.O.
Chhatrahar, P.S.- Shambhuganj, Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar Manglam, Adv.
For the Opposite Party/s : Mr. Nirmal Kumar Sinha APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 15-01-2021 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon.

Petitioners apprehend their arrest in connection with
Shambhuganj P. S. Case No. 36 of 2020 instituted for the
offence under Section(s) 379, 411 of the Indian Penal Code
read with Section 40 of Bihar Minor Mineral Concession Rules,
1972, Section 8 of the Bihar Minerals (Prevention of Illegal



Mining Transportation and Storage) Rules, 2003 and Section 15
of the F.E.P. Act, 1986.

One tractor and trailer have been seized laden with sand.

The allegation is of indulging in mining/trade transportation of illegal sand violating the provisions of the Indian Penal Code as well as Minor Mineral Concessions Rules and other Acts.

It is submitted that petitioner Nos 1 and 2 are owner of the tractor and trailer respectively whereas the petitioner No.3 is alleged to be the driver who has fled away.

Submission is of false implication. The petitioners were not found present at the place and the alleged recovery is behind their back. The petitioners having no knowledge about such recovery and the same was not in accordance with law. They are having no criminal antecedents and are apprehending their arrest in the instant case without prejudice to their rights at the criminal trial, they are willing to deposit the amount of alleged revenue loss with the authorities.

The learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event



of surrender/arrest of the petitioners, named above, before the court below, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-1, Banka, in connection with Shambhuganj P.S. Case No 36 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

It is made clear that petitioners shall deposit the amount due to the Government, subject to result of the case.

(Madhuresh Prasad, J)

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