

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29611 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- SHAMBHUGANJ District- Banka

RAJENDRA YADAV, Son of Bhagvat Yadav, Resident of Village- Lakha,
P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 379 and
411 of the Indian Penal Code, under Section 40 of the Bihar
Minor Mineral Concession Rule, 1972, under Section 8 of the
Bihar Minerals (Prevention of Illegal Mining Transportation and



Storage) Rule, 2003 and Section 15 of the Forest and Environment Protection Act, 1986.

Prosecution case in brief is that the informant is Office-in-charge of Shambhuganj Police Station on 10.01.2020 he alongwith members of raiding party reached near Maldih Panchayat Bhawan and conducted raid then found a loaded Swaraj 735XT tractor without registration number of tailor with sand coming from Karhariya and after seeing the raiding party the driver of the tractor succeeded in fleeing away leaving his tractor.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is driver of the seized tractor. The petitioner has clean antecedent.

Learned counsel for the petitioner further submits that the owner of the said tractor and has deposited the revenue loss of Rs.14,412.50/- due to illegal mining of sand through E-challan with the District Mining Officer, Banka.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or



surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Shambhuganj P. S. Case No. 07 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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