

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31468 of 2020

Arising Out of PS. Case No.-191 Year-2020 Thana- RAJAON District- Banka

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1. MUKESH KUMAR S/o Amarnath Thakur Resident of Mohalla- Bhelahi, Town, P.S.- and District- Supaul.
 2. Dhiraj Yadav S/o Brahmdeo Yadav Resident of Village- Gadi Patauna, P.S.- Malaypur, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-01-2021 Heard Mr. Murari Narain Chaudhary, learned counsel for the petitioner and Mr. Chandra Bhushan Prasad, learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Rajaun PS Case No. 191/2020 registered for the offence punishable under Sections 379, 411 of the IPC, Section 56 of Bihar Minerals Concession Prevention of Illegal Mining Transportation and Storage) Rule, 2019, Section 21 MM (D&R) Act, 1957 and Section 15 of Environmental (Protection) Act, 1986.

3. The allegation, as per First Information Report, is that the police intercepted a truck bearing no. BR-50G-6254 loaded with 800 CFT sand and upon seeing the police personnel,



the driver of the truck fled away leaving the truck on the side of the road. It is further alleged that 800 CFT of sand was recovered from the said truck.

4. Learned counsel for the petitioner submits that the petitioner no.1 is owner of the truck in question and petitioner no.2 is the driver who have falsely been implicated in this case and they have not committed any offence in the manner alleged.

5. Learned counsel further submits that as per allegation made against the petitioners in the FIR, at best, the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019, will be applicable which came into force on 17.09.2019 and from perusal of Section 56 of the said Rule, it would be evident that a fine of Rs. 10,000/- can be imposed and value of seized minerals can be recovered.

6. Learned counsel next submits that petitioners have already deposited Rs. 51,700/- by way of penalty before Mining Authority (Annexure-2).

7. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioners have already deposited Rs. 51,700/- by way of penalty before Mining Authority, I am inclined to grant anticipatory bail to the petitioners.



8. Accordingly, petitioners, above named, shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajaun PS Case No. 191/2020, subject to the conditions as laid down under Section 438(2) CrPC.

9. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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