

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32408 of 2020

Arising Out of PS. Case No.-203 Year-2019 Thana- BELHAR District- Banka

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KISHORE YADAV S/o Surendra Yadav R/o village- Joripar, P.S.- Belhar,
District- Bhagalpur

... .. Petitioner

Versus

THE STATE OF BIHAR THROUGH THE SECTT. DEPTT. OF BIHAR MINES
AND MINERALS, BIHAR, PATNA.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 09-02-2021 Heard Mr. Ranjan Kumar Jha, learned counsel for

the petitioner and Mr. Md. Aslam Ansari, learned APP for the

State.

The petitioner seeks bail in anticipation of his

arrest in connection with Belhar P.S. Case No. 203 of 2019

dated 04.07.2019 instituted for the offences under Section

379 and 411 of the Indian Penal Code, Section 8 (a), 8(b)

of Bihar Mineral Prevention of Illegal Minerals and

Transportation and Storage Rule, 2003, Section 40 of the

BMMC Rule, 1972 and Section 15 of the Environment

Protection Act.



During the course of raid, three tractors with sand were seized. A J.C.B. machine also was found near the tractors. The drivers of the aforesaid tractors could manage to flee away.

Learned counsel for the petitioner has very fairly stated that though in the bail petition, it has been stated that the petitioner is neither the owner nor the driver of any of the seized tractors but during the course of investigation, it has transpired that the petitioner was one of the drivers of the seized tractors. Learned counsel for the petitioner has submitted that the assuming that the petitioner was the driver of a tractor, he was only working under the direction of his master. The petitioner cannot be conclusively said to have an idea that the extraction of sand was without any authority or without obtaining any requisite challan for the same. Since the owners of the tractors have been released on bail, therefore, the petitioner also deserves to be enlarged on anticipatory bail.

Considering the nature of accusation and the argument advanced, the petitioner, above named, is directed



to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Belhar P.S. Case No. 203 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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