

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32763 of 2020**

Arising Out of PS. Case No.-10 Year-2020 Thana- SHAMBHUGANJ District- Banka

MANOJ KUMAR @ MANOJ YADAV S/o Kailash Yadav R/o village-  
Baidpur, P.S.- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR

2. The Assistant Director, Mines and Geology Department Banka Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL ORDER

2      09-02-2021                      Heard learned counsel for the petitioner and learned  
APP for the State.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in a case registered under Section 379/411 of the Indian Penal Code, Section-40 of BMMC Rule 1972 and Section 8 of BM (PIMTS) Rule 2003 and Section 15 of F.E.P. Act, 1986.

Allegedly, one tractor was seized loaded with illegal sand.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner has been made accused in the present case due to



mistake of fact. The petitioner is said to be owner of the vehicle in question. He had no knowledge regarding the alleged incident. The petitioner has already deposited an amount of Rs. 19,213/- in the mining department. The same is Annexure-2 to the present application. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of learned Additional Chief Judicial Magistrate-Ist/Successor Court, Banka in connection with Shambhuganj P.S. Case No. 10 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

