

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34434 of 2020

Arising Out of PS. Case No.-137 Year-2020 Thana- BAUNSI District- Banka

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1. Dukhi Pd. Yadav @ Dukhi Prasad Yadav Son of Bhuvan Yadav, R/o Village- Pagbara West Patti, P.S.- Hansdiha, Distt.- Dumka (Jharkhand).
 2. Shyam Prakash Yadav Son of Shankar Maha Marik, resident of village- Mirjapur, P.S.- Bounsi, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines Inspector Cum Competent Officer, Banka, Mines Department, Banka, P.S. and District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-03-2021 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Bounsi P.S. Case No. 137 of 2020 registered for offence punishable under sections 379, 411, 188 of the Indian Penal Code, section 56 of the Bihar Mineral Concession Prevention of Illegal Mining Transportation and Storage Rules, 2019, section 21 of MMDR 1957 and section 15 of E.P. Act, 1986.

Allegation has been made to be engaged in illegal mining of sand.



Learned counsel for the petitioners submits that the petitioners have deposited the money to the Department, inasmuch as, they have no criminal history.

Looking to the facts and circumstance of the case, the petitioners above named, in event of arrest or surrender before the court below within six weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Bounsi P.S. Case No. 137 of 2020, subject to condition that one of the bailors of the petitioners shall be their close relative. The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court. If the petitioners are found involved in future in the similar type of offence, the bail granted to the petitioners will be treated to have been withdrawn.

(Shivaji Pandey, J)

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