

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41020 of 2020

Arising Out of PS. Case No.-206 Year-2020 Thana- WARISLIGANJ District- Nawada

1. SHYAM SUNDAR SAO son of Gopal Sao Resident of Village - Kasar, P.S.- Sheikhpura, Distt.- Sheikhpura.
2. Krishna Kumar son of Suresh Chaudhary Resident of Village - Dharo, P.S.- Dhamaul, Distt.- Nawada.
3. Nitish Kumar son of Lallan Kumar Resident of Vill.- Pali, P.S. Warisaliganj, Distt.- Nawada
4. Shrikant Singh son of Ram Sharan Singh Resident of Mohallah- Kankarbagh, P.S.-Kankarbagh, Distt. - Patna
5. Niranjana Kumar son of Dani Singh Resident of Mohallah- Kankarbagh, P.S.- Kankarbagh, Distt. Patna

... .. Petitioners

Versus

1. The State of Bihar
2. The Department of Mines and Minerals, Government of Bihar, Patna Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Satyadeo Singh Yadav, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-08-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 26.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Warisaliganj P.S. Case no. 206 of 2020, registered under Sections 379, 421, 188, 269, 270, 271, 290 and 291 of the Indian Penal Code.



The accusation is that in course of inquiry and raid regarding extraction of illegal sand, the informant being the Assistant Director Mines, Nawada along with S.D.P.O, Pakriwarwan reached at Naromurar Mushhari village. On seeing the raiding party, 5/6 red colour Mahindra hydraulic tractors on which sand was being loaded by J.C.B started fleeing on unloading the same. On reaching near that place, the drivers of JCB also fled away leaving the JCB. On the spot, JCB bearing Engine No. H00164316 loaded with 25CFT sand, JCB bearing Engine No. H00103967 loaded with 25CFT sand and JCB bearing Engine No. H00123777 loaded with 25CFT sand were found. At that time, no any valid papers was produced regarding extraction or storage of sand while according to N.G.T. direction, extraction of sand, in rainy season, is prohibited.

Learned counsel for the petitioners submits that petitioner No.1 Shyam Sundar Sao is the owner of JCB bearing registration No. BR52G-2267, Engine No. H00164316, and he has already deposited fine of Rs. 11,000/-, which would appear from page-08 of the Supplementary Affidavit. The petitioner No.2 Krishna Kunar and Petitioner No.4 Shrikant Singh are the driver and owner of seized JCB bearing registration No. BR01GF-0167, Engine No. H00103967 and after seizure of the JCB, they have deposited the fine of Rs. 11,000/- on



26.11.2020, which would appear from page-04 of the Supplementary affidavit, whereas, petitioner No.5 Niranjan Kumar and Petitioner No. 3 Nithish Kumar are owner and driver of JCB bearing registration No. BR01GF-4919, Engine No. H00123777 and after seizure of the said JCB, fine of Rs. 11,000/- has already been paid by petitioner No.5 on 26.11.2020, which would appear from page No. 6 of Supplementary affidavit. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Warisaliganj P.S. Case No. 206 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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