

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37623 of 2020

Arising Out of PS. Case No.-426 Year-2019 Thana- AMARPUR District- Banka

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1. CHANDRA SEKHAR SINGH S/o Jaikaran Singh R/o village- Kulhariya, P.S.- Amarpur, District- Banka
 2. MD ANSAR S/o Md. Jahid R/o village- Katiyanama, P.S.- Rajourn, District- Banka

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 379, 411 of the Indian Penal Code and Section 40 of Bihar Minor Mineral Concession Rule 1972, Sections 8(a), 3(b) of B.M.P. & Illegal Mining Transportation & Storage Rule 2003 and Section 15 of Environment Protection Act.

Allegation is that 25 CFT of sand was loaded on the



tractor.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The allegation of theft of illegal mining of sand is denied by the petitioners. The petitioners had no knowledge that the sand, loaded on the tractor in question, has been obtained by way of illegal mining. The petitioner No.1 is the owner of the tractor and the petitioner No.2 is the driver of the tractor.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of Miss Rubi Kumari, learned Judicial Magistrate, 1st class, Banka in connection with Amarapur P.S. case No.426 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners will



furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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