

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.902 of 2021

Arising Out of PS. Case No.-447 Year-2020 Thana- BANKA District- Banka

1. Penter Kumar Mishra, Son of Uday Kant Mishra, age about 34 years, Resident Of Village-Chamrailli, P.O.- Lakhnodih, P.S.- Banka, Distt.- Banka.-813102.
2. Krishana Kumar Chaudhary, Son Of Ganesh Prasad Choudhary, age about 27 years, Resident Of Village-Chamrailli, P.O.- Lakhnodih, P.S.- Banka, Distt.- Banka.-813102.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Lakshmi Kant Tiwary, Advocate.
For the Opposite Party : Mr. Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 379, 411 of the I.P.C., Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019, Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 15 of the Environment (Protection) Act, 1986.



The prosecution story, in brief, is that on the basis of written report vide Letter No. 709/M, dated 09.06.2020 of the Mining Department, Banka, the informant during the course of raid, near Basipur-Village found that Trucks (1) bearing Registration Nos. JH 4D 2203, loaded sand 900 CFT, 2. BR 10 GA 6431, loaded sand 900 CFT, 3. BR 10 GA 9305, loaded sand 1300 CFT and 4. Tractor without registration number 100 CFT loaded sand were coming and seeing the raiding party, the drivers of the vehicles were succeeded in fleeing away after leaving their vehicles. Accordingly, seizure list is prepared and no one come forward to show any papers in respect of loaded sand. It appears that the seized vehicles are carrying the loaded sand in illegal way.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners said to be the owner and the driver of the Tractor in question on which sand was loaded. The allegation is that they were involved in illegal mining of sand. The fine of amount as imposed by the Mining Department, has already been deposited by the petitioners,



annexed as Annexure-2 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let 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 the learned C.J.M., Banka, in connection with Banka P.S. Case No. 447/2020, bearing G.R. No. 1596/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only each 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)

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