

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2973 of 2021**

Arising Out of PS. Case No.-80 Year-2020 Thana- BELHAR District- Banka

- 
1. Nitu Kumari @ Nitu Devi W/O Pradip Kumar Yadav Resident Of Village Manjhali Matihani, P.S Belhar, District-Banka.
  2. Vivek Kumar Yadav S/O Kamal Yadav Resident Of Village Manjhali Matihani Ps Belhar, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Bihar Mines And Mineral Department, Patna. Patna

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar, Advocate  
For the Opposite Party/s : Mr.A.G.

---

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

2      08-07-2021                      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 along with Bihar Mineral Concession, Prevention of Mineral Transportation and Storage Rule 2019 of Section 56 read with Section 21 of MM (D&R) Act 1957 and Section 15 of E.P. Act, 1986.

Allegation against the petitioners is that they being the



owner and driver of the seized vehicle were indulged in carrying 50 CFT sand in illegal way.

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. As per the allegation, illegal sand was loaded on the tractor in question. Petitioner No.1 is said to be the owner of the tractor and petitioner No.2 is the driver of the tractor in question. The fine amount has already been deposited by the petitioners in the Mining Department.

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 learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. case No.80 of 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 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/-

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

