

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2112 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- DHURAIYA District- Banka

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1. BABY DEVI @ BEBI DEVI W/O ABNIKANT THAKUR R/O VILLAGE-DERMA, P.S-PATHARGAMA, DISTRICT-GODDA (JHARKHAND).
 2. BALRAM YADAV S/O SHALIGRAM YADAV R/O VILLAGE-JAHAKITTA, P.S-BASANTRAI, DISTRICT-GODDA (JHARKHAND).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. THE DIRECTOR, MINERAL AND MINING DEPARTMENT, BIHAR, PATNA. PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2021 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dhoraiya P.S. Case No. 35 of 2020 for the offence registered under Sections 379 and 411 of the Indian Penal Code and Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage), Rules, 2019, Section 21 of the MMDR Act, 1957 and Section of the Environment Protection Act.

The allegation is regarding the police having found that some persons were loading sand on a tractor illegally,



whereafter the tractor was seized and it transpired subsequently that the petitioner no. 1 is the owner of the tractor and the petitioner no. 2 is the driver of the tractor.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedents. The learned counsel for the petitioners has further submitted that the petitioners have already deposited the loss amount of a sum of Rs. 19,213/- in favour of the Mining Department, in order to show their bonafide.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the materials available on record, this Court finds that since the petitioners have already deposited the loss amount in favour of the Mining Department and are having a clean antecedent, it would not serve any purpose by relegating them to custody, hence I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four



weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 35 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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