

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1834 of 2021

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

1. SANTOSH KUMAR SINGH @ SANTOSH KR SINGH S/o Jay Pradash Singh Resident of Village- Sripur, Amghatta Tola, P.S.- Naugachiya, Distt- Bhagalpur
2. SULANDAR MAHALDAR @ SURENDRA MANDAL @ SULENDAR MANDAL @ SILLO MAHALDAR S/o Kailash Mahaldar @ Kailash Mandal Resident of Village- Bishunpur, P.S.- Lodipur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-09-2021 Heard the learned counsel for the petitioners and
the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Banka P.S. Case No. 447 of 2020 (Registration No./GR 1596 of 2020) instituted for the offences under Sections 379 and 411, Section 56 of BMPIMTS Rule, 2019, Section 21 of the MMDR Act, 1957 and Section 15FE Act.

Huge quantity of sand is said to have been found loaded on a truck of which, the petitioner no. 1 is the owner whereas the petitioner no. 2 is the driver.



The petitioner no. 1 was earlier made accused in a case of similar nature.

Considering this aspect of the matter, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail of petitioner no. 1 /Santosh Kumar Singh @ Santosh Kr Singh is rejected.

Should he surrender before the court below and seek bail, his application shall be considered on its own merits, without being prejudiced by the fact that the present petition on his behalf has not been entertained.

So far as the petitioner no. 2 is concerned, he is said to be the driver of the said vehicle and he had no idea that there was no permit for extraction or transportation of the sand.

He does not have criminal antecedents.

Regarding being had to the afore-stated facts, the petitioner no. 2/Sulandar Mahaldar @ Surendra Mandal @ Sulendar Mandal @ Sillo Mahaldar is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from



the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 447 of 2020 (Registration No./GR 1596 of 2020), subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

The application stands disposed of accordingly.

(Ashutosh Kumar, J)

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