

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6675 of 2021

Arising Out of PS. Case No.-679 Year-2020 Thana- BANKA District- Banka

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1. Navin Kumar Son Of Ramnandan Prasad Singh Resident Of Village - Rahatpur, P. S. - Baliya, District - Begusarai.
 2. Vikash Kumar S/O Ramakant Choudhary Resident Of Village - kidwainagar, Iquanswar Vidyalaya Shewree, Mumbai, Pin - 400012 At Present Village - Bhagatpur, P. S. - Balia, District - Begusarai.

... .. Petitioners

Versus

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

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Ajay Mukherjee, Adv.
For the State	:	Mr. A. M.P. Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioners are apprehending their arrest in connection with Banka P.S. Case No. 679/2020 registered for the offences punishable under Sections 379 and 411 of the I.P.C. , Section 56 of Bihar Minerals (Concession, Prevention of illegal Mining, Transportation & Storage) Rule 2019, Section 21

of MMDR Act, 1957 and Section 15 of Environment Protection Act, 1986.

Prosecution case in brief is that on 20.08.2020 during inspection the informant along with other police personnel seized 2400 CFT sand and a truck vehicle bearing no. BR-09GA-7650 loaded with 1200 CFT sand. On interrogation, it came to the knowledge of the informant that co-accused ganga Yadav, S.P. Yadav, Neeraj Yadav, Suraj Yadav, Pradeep Yadav, Kurkuri Yadav and Kallu Yadav were responsible for the alleged sand. No one came to produce the challans regarding the loaded sand on the aforesaid vehicle.

It is submitted by the learned counsel for the petitioners that the petitioner no.1 is owner of the sized truck bearing No. BR-09GA-7650 and petitioner no.2 is the driver of the said vehicle. It is also submitted that petitioner no.1 has already deposited the loss amount of Rs.70,500/- in favour of the Mining Departments. This fact shows from from perusal of the impugned order passed by the learned lower Court below.

In the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail

bonds of Rs.10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate/Successor Court, Banka in connection with Banka P.S. Case No.679/2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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