

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6261 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- BELHAR District- Banka

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1. Lalita Devi wife of Govind Pandit, resident of Village Gerua, P.S. Belhar, District Banka
 2. Rajesh Kumar @ Rajesh Yadav son of Radhey Yadav, resident of Village Sura, P.S. Belhar, District Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-11-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The petitioners are apprehending their arrest in connection with Belhar P.S. case No.98 of 2020 registered under Sections 379/411 of Indian Penal Code and Section 8 of Bihar Prevention of illegal Mining Transportation and Storage Rule 2003 Amendment Act 214 & Section 40 BMMC Rule 1972 & 15 Forest and Environmental Prevention Act 1986.

The prosecution case, in short, is that the petitioners indulged in stealing sand.

It has been submitted on behalf of the petitioners that the



petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The petitioner No.1 is owner of the tractor and the petitioner No.2 is driver of the tractor in question. It has been alleged that illegal mining of sand was being carried out by the tractor in question. The allegation as levelled of illegal mining of sand is denied by the petitioners. The petitioners had no knowledge that the sand in question was obtained by illegal mining.

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, 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 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 Belhar P.S. case No.98 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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