

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10324 of 2021

Arising Out of PS. Case No.-96 Year-2020 Thana- KATORIYA District- Banka

Shiv Narayan Yadav Son of Late Rameshwar Yadav Resident of Village-
Pahridih, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Mining and Minerals Department, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad
For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in Katoriya P.S. Case No.96 of 2020, registered for the offences punishable under Sections 379, 411, 188, 269, 270, 271, 290, 291, 353 of the Indian Penal Code, Sections 4/21 of MMDR Act, 1957 and Sections 4/40 of BMMC Rule, 1972.

The petitioner is said to have involved in illegal trade of sand.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is further submitted that the owner of the seized tractor has already deposited the loss amount of Rs.19,213/- in favour of the Mining



Department and he has also been granted anticipatory bail by learned ADJ-I, Banka. It is submitted that the petitioner has got no criminal antecedent as stated in para 3 of the bail petition.

From perusal of the impugned order, it is clear that the petitioner is neither driver nor owner of the seized vehicle. The receipt of the Mining Department is annexed as Annexure-2 to this bail petition in order to show that vide Letter No.898, dated 25.06.2020, one Maheshwari Yadav being the owner of seized tractor has already deposited the loss amount of Rs.19,213/- in favour of the Mining Department.

Having considered the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoriya P.S. Case No.96 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

Sanjay/-

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