

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15321 of 2021

Arising Out of PS. Case No.-441 Year-2020 Thana- AMARPUR District- Banka

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1. NITESH SINGH S/O SHANKAR SINGH R/O VILLAGE-BIRMA SINGHNAN, P.S-AMARPUR, DISTRICT-BANKA.
 2. PRAHLAD SINGH @ PRAHALAD PRASAD SINGH S/O SARYUG SINGH RESIDENT OF VILLAGE-BIRMA SINGHNAN, P.S AMARPUR, DISTRICT-BANKA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. THE DIRECTOR, DEPARTMENT OF MINES AND MINERALS, BIHAR, PATNA. PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar Pathak, Advocate
		Mr. Pankaj Kumar, Advocate
For the Opposite Party/s :		Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-01-2022 Heard Mr. Kamlesh Kumar Pathak, learned Advocate for the petitioner and the learned APP for the State.

Learned counsel for the petitioners seeks correction in paragraph-1 of the petition in the number of the police station case which has wrongly been stated as Amarpur P.S. Case No. 471 of 2020 in place of Amarpur P.S. Case No. 441 of 2020.

Let the number of the police station case be read as 'Amarpur P.S. Case No. 441 of 2020'.

The petitioners seek bail in anticipation of their arrest in connection with Amarpur P.S. Case No. 441 of



2020 dated 06.08.2020 instituted for the offences under Sections 379 and 411 of the Indian Penal Code, MMDR Act, 1957, Section 21 of the Illegal Mining Transportation & Storage Rule, 2019, Section 56, E.P. Act 1986 Section 15.

Two sand loaded vehicles, one being a pick-up van was intercepted.

Learned counsel for the petitioners has submitted that petitioner no. 1 is the driver of one of the vehicles viz. the pick-up van and petitioner no. 2 is the owner of the aforesaid vehicle.

For the purposes of grant of anticipatory bail, learned counsel for the petitioners has submitted that whatever fine had been imposed on the vehicle, has already been paid by the petitioner no. 2. Thus, there has not been any loss to the government exchequer.

Apart from this, it has been submitted that the petitioners were not aware of the fact that without a duly filled challan, sand could not have been transported.

Be that as it may, since the amount of fine has already been deposited by the owner of the vehicle viz. the petitioner no. 2, both the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of



this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 441 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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