

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17108 of 2021

Arising Out of PS. Case No.-333 Year-2020 Thana- RAJAON District- Banka

1. BABLU YADAV Son of Prayag Yadav Resident of Village- Majlishpur, P.S. and District- Banka.
2. Ravi Kumar Son of Tuntun Yadav Resident of Mohalla- Bikash Nagar, P.S.- Uttam Nagar, District- West Delhi.
3. Sharad Yadav Son of Ashok Yadav Resident of Village- Majalishpur, P.S. and District- Banka.
4. Girish Yadav Son of Shahindra Yadav Resident of Village- Majalishpur, P.S. and District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a



case registered under Sections 379 and 411 of the Indian Penal Code, 56 of B.M.M.C.C. Rule 2019, 21 of M.M.D.R. Act, 1957 and 15 F and E Act, 1986.

The prosecution allegation, in short, is that the accused persons were involved in illegal mining of sand.

It has been submitted on behalf of the petitioners that the petitioner nos. 1 and 4 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. As per the allegation, illegal mining of sand was being carried out on the vehicle in question. The petitioners are owners and drivers of the seized vehicles. The petitioners had no knowledge that the sand in question has been obtained by way of illegal mining.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in



covid cases.

Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 333/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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