

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20067 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- RAJAON District- Banka

Chhotu Singh Son Of Ranveer Singh R/O Village- Chilkawar, P.S.- Rajoun,
District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Department Of Mines And Minerals, Bihar, Patna Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Pradip Narain Kumar, 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 petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Rajoun P.S.
Case No. 128 of 2020 registered for the offence under Sections-
379, 411, 188, 269, 270, 271, 290, 291 of the Indian Penal Code
R/W Bihar Mineral Prevention & Illegal Mining Transportation



& Storage Rule, 2019, Section-56, MMDR Act 1957, Section-21 and Section-15 of Forest and Environment (Protection) Act, 1986.

Allegedly, illegal excavation of sand was being done and in consequence thereof, 100.52 MT sand was recovered near the river.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The case relates to illegal excavation of sand. The name of the petitioner has transpired in this case merely on the basis of secret information. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery of any incriminating article from possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/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 of the case, the petitioner, 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 his personal bond to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 128 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) 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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