

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25985 of 2021

Arising Out of PS. Case No.-736 Year-2020 Thana- BANKA District- Banka

NITESH KUMAR @ DHONSA @ NITISH KUMAR SON OF DABLU
YADAV R/O VILLAGE- LASHKARI, P.S.- BANKA, DISTRICT- BANKA.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. THE ASSISTANT DIRECTOR, MINES AND ZEOLOGY DEPARTMENT,
BANKA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-05-2022 Heard Mr. Ajay Mukherjee, learned Advocate for the
petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Banka P.S. Case No. 736 of 2020 dated 08.09.2020 instituted for the offences under Sections 379 and 411 of the Indian Penal Code, Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rule, 2019 and Section 21 of the MMDR Act, 1957.

During the course of raid, 170.750 tonnes of sand was found to be stored at a place. With respect to the petitioner, it has been alleged in the FIR that there is a suspicion against him of storing the sand.



The learned counsel for the petitioner has submitted that the accusation is based on guess-work and there is no proximate connection between the offence and him.

Considering the vague nature of accusation against the petitioner, he is directed to be released on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 736 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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