

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31655 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- BELHAR District- Banka

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1. AKHILESHWAR YADAV SON OF LATE BASUKI YADAV, RESIDENT OF VILLAGE - BELDARA DARIYAPUR, P.S-HAWELI KHARAGPUR, DISTRICT MUNGER.
 2. AMIT KUMAR YADAV SON OF LATE BABLI YADAV, RESIDENT OF VILLAGE-DARIYAPUR, PS-HAWELI KHARAGPUR, DISTRICT MUNGER.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. THE ASSISTANT DIRECTOR, MINES AND GEOLOGY DEPARTMENT, BANKA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 01-02-2022 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State through video conferencing.

The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

The petitioners apprehend their arrest in connection with Belhar P.S. Case No. 16 of 2021 registered for offence punishable under sections 378, 379, 411 of the Indian Penal Code, section 56 of the Bihar Minerals (Concession, Prevention



of Illegal Mining, Transportation & Storage) Rules, 2019 and section 4 (1) MMDR, Act, 1957.

As per FIR, the informant, who is Mining Inspector, raided Sand Ghat, Baghoniya along with police personnels and intercepted eight tractors loaded with sand and also a Splendor motor cycle. All the tractor drivers became successful in fleeing away. The informant found that 12950 CFT sand was illegally mined by the petitioners and others and assessed Rs.5,55,584/- as fine/lost amount. Thereafter, the informant seized the said vehicles with loaded sand.

The learned counsel for the petitioners has submitted that the petitioners are driver and owner of tractor No. BR46G-3876, which was found on Sand Ghat, but it was not loaded with sand.

Considering the fact that the petitioners' tractor was also found on the place of occurrence where sand was illegally excavated in the large scale, I do not think it a fit case for anticipatory bail and accordingly the prayer for anticipatory bail is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this



Court.

(Nawneet Kumar Pandey , J)

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