

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21185 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- BHEJA District- Madhubani

1. BAIDHNATH YADAV Son of Late Ramdeo Yadav Resident of Village - Khajuri, P.S.- Bheja, Distt.- Madhubani.
2. Gautam Yadav Son of Saryug Yadav Resident of Village - Khajuri, P.S.- Bheja, Distt.- Madhubani.
3. Shamsul Shah @ md. Shamsul Son of Islam Shah Resident of Village - Khajuri, P.S.- Bheja, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379 and 414 of the Indian Penal Code and Section 56(1) of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules 2019 and Section 15 of Environment Protection Act, 1986.

The informant alleges that on 5.03.2021, he receives secret information that the accused persons by using JCB and tractor are illegally mining sand,



accordingly, the informant reached the place of occurrence when the accused persons fled after leaving the tractor and the JCB.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and that the owner of the JCB was arrested at the spot and the petitioner who is owner of the tractor was not present at the place of occurrence and he was completely unaware that the driver would misuse the vehicle for such illegal purpose. Learned counsel next submits that since an FIR came to be instituted with the aforesaid allegation as such the petitioner had already deposited the penalty raised.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court



where the case is pending/successor court in connection
with Bheja P.S. Case No. 15 of 2021 subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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