

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32447 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- BANKA District- Banka

Kurkuri Yadav @ Ganesh Yadav Son of Naresh Yadav Resident of Village-
Beltikar, P.S.- Banka, 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. A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Banka P.S.
Case No. 19 of 2021 registered for the offences punishable
under Sections 379, 341 of Indian Penal Code and Section 56 of
Bihar Mines Minerals (Concession, Prevention of Illegal Mining
Transportation & Storage) Rule, 2019, Section 21 MMDR Act,
1957 and Section 15 of Environmental Protection Act.

According to prosecution case, the informant along
with other police saw that illegal sand was loading on a truck by



this petitioner and others and after seeing the police party they fled away.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that as per allegation that the illegal sand was loaded on a truck by the petitioner. He further submits that the petitioner is the labour and as per instruction of the owner of the truck he was loading the sand. It is further submitted that charge sheet has been submitted in this case. The petitioner is in custody since 01.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail, submitting that petitioner carries four criminal antecedents.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond 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. 19 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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