

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36076 of 2021**

Arising Out of PS. Case No.-43 Year-2020 Thana- BANKA District- Banka

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1. KANHAI YADAV @ KANHAY YADAV SON OF LATE JAGDEO YADAV R/O VILLAGE- KAJHIYA, P.S.- BANKA, DISTRICT- BANKA.
 2. RAJU YADAV SON OF KANHAI YADAV @ KANHAY YADAV R/O VILLAGE- KAJHIYA, P.S.- BANKA, DISTRICT- BANKA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE DIRECTOR, DEPARTMENT OF MINES AND MINERAL, GOVT. OF BIHAR, PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 13-06-2022 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 411 of the Indian Penal Code read with Section 8 of the BMPTS Rule 2003, Amendment Rule 2014, Section 56 of the Bihar MMC Rules, 2019 read with Section 21 of the HMDR Act, 1957 and Section 15 of the Environment Protection Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 16.01.2020, during inspection, the informant along with other police personnel found 2025 CFT sand near Singhalu School and 990 CFT dumped sand near PHC Hospital in Kanjhiya



School. It is next alleged that no challan was issued with regard to the seized sand, further it is alleged that on inquiry it transpired that the sand belongs to the petitioners.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case further the sand does not belong to them and their name have been disclosed by the villager whose name also is not disclosed in the F.I.R.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Banka P.S. Case No. 43 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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