

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38562 of 2021

Arising Out of PS. Case No.-666 Year-2020 Thana- BANKA District- Banka

KURKURI YADAV Son of Naresh Yadav Resident of Village- Balutikar
(Jogdiha), P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Bihar Mines and Minerals Department, Bihar, Patna.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Uday Pratap Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Banka PS case no. 666 of 2020 instituted for the offences punishable under Sections 379, 411 of Indian Penal Code, Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019, Section 21 of MMDR Act, 1957 and Section 15 of F.E. Act.

The case of the prosecution, in brief, is that the



informant along with his team, had conducted a raid in the Jogdiha area and had seized 2500 c.ft. of sand which was dumped at the alleged place of occurrence. It is further alleged that during the course of investigation, it transpired that the petitioner and other co-accused persons were responsible for the alleged dumping of sand at the alleged place of occurrence. It is further alleged that the sand had been illegally mined from the bank of Chandan river near Lakhaunari.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 06.02.2021. The learned counsel for the petitioner, by referring to paragraph no. 5 of the present petition, has further submitted that the petitioner has neither got any concern with the sand in question nor with the place from where the sand has been recovered, hence the petitioner cannot be saddled with the liability of the alleged dumped sand.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the fact that the petitioner has categorically stated in the present petition that the sand has not been recovered either from the house of the petitioner or from his possession, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Banka in connection with Banka PS case no. 666 of 2020.

(Mohit Kumar Shah, J)

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