

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41177 of 2021

Arising Out of PS. Case No.-725 Year-2020 Thana- BANKA District- Banka

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

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal , Sr. Adv.
		Mr. Pankaj Kumar
For the Opposite Party/s :		Mr. Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 27-04-2022 Heard the parties.

Petitioner seeks regular bail in connection with Banka PS Case No. 725 of 2020 registered under Section 379 , 411, 413 / 34 of the IPC, Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rule 2019, Section 21 MMDR Act, 1957 and Section 15 of the F.E. Act.

Upon raid the Mining Inspector seized 255.610 tonnes of sand which was extracted illegally by the petitioner and other accused persons from the embankment of *Chandan* river.

Learned senior counsel for the petitioner submits that petitioner has falsely been implicated in this case and he has no concern with the sand seized by the Mining Officer inasmuch



as the same was not seized from the premises belonging to the petitioner. He next submits that petitioner has been made accused on the basis of information collected by the informant and there is no direct *prima facie* evidence to show that the petitioner was indulged in illegal mining except the previous cases which were lodged against the petitioner by Mining / Police authority in order to harass him. The petitioner is in custody since 09-02-2021 and charge sheet has already been submitted.

Regard being had to the submissions made by the parties, taking into consideration the material on record, the fact that sand in question has not been seized from the premises belonging to the petitioner, the petitioner is in custody since 09.02.2021 and charge sheet has already been submitted, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25000 /- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka PS Case No. 725 of 2020 on the following condition:-

- (a) that the petitioner shall remain present on each and every date during the trial and in case of



default on two consecutive dates on the part of the
petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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