

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44390 of 2021**

Arising Out of PS. Case No.-85 Year-2021 Thana- RAJAON District- Banka

=====

SHEKHER MANDAL @ SEKHER MANDAL S/o Chintaman Mandal R/o
Village- Maharana, P.S.- Rajoun, District- Banka, Bihar-813105

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Harsh Vardhan, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-01-2022 Due to the third wave of COVID-19 Pandemic, the

matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Rajoun P.S. case No.85 of 2021 registered under Sections
147, 148, 149, 341, 342, 323, 353, 332, 186, 337, 338, 307, 427,
379, 411, 504, 506 of the Indian Penal Code, Sections
11/41/56)2) of Bihar Minerals (Concession, Prevention and



illegal mining, Transportation & Storage) Rule 2019 and Sections 4(2) of MMDR Act 1957 and Section 15 of NGT Act.

Allegation is that when the police came to stop illegal mining of sand, the accused persons along with 40-50 unknown persons attacked upon the police party and the Government suffered loss of Rs.1 crore as revenue due to illegal mining of sand.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The police had come to stop illegal mining of sand, a protest was made by the local residents. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Altogether 55 named persons alongwith 40-50 unknown persons have been made accused in the present case. The petitioner is not the owner of the tractor in question.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail



application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the facts and circumstances, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. case No.85 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

Narendra/-

(Sudhir Singh, J)

U		T	
---	--	---	--

