

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38507 of 2022

Arising Out of PS. Case No.-586 Year-2021 Thana- BANKA District- Banka

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GHANSHYAM YADAV SON OF DIGAMBAR YADAV RESIDENT OF
VILLAGE- AMBA (KUNAUNI), P.S.- BANKA, DISTRICT- BANKA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE ASSISTANT DIRECTOR, MINES AND GEOLOGY DEPARTMENT,
BANKA BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 411 and 188 of the Indian Penal Code, Section 56(2) of the Bihar Minerals (Concession Prevention of Illegal Mining, Transportation & Storage), Section 21 of the MMDR Act and Section 15 of NGT Act.

The informant alleges that two tractors laden with sand were apprehended and driver fled, further, on inquiry, it transpired that petitioner along with others was involved in illegal mining.

Learned counsel for the petitioner submits that the petitioner has antecedent of three cases. Learned counsel further submits that the petitioner has been falsely implicated in the present



case, it is next submitted that since petitioner has antecedent, as such, he came to be implicated in order to save the real culprits, it is next submitted that the FIR does not even disclose that on what basis the name of the petitioner transpired in the present case when admittedly he is neither the owner nor the driver of any of the alleged tractors.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Banka P.S. Case No. 586 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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