

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47883 of 2021

Arising Out of PS. Case No.-140 Year-2021 Thana- MANIHARI District- Katihar

1. SANJAY KUMAR YADAV S/o Dwarika Prasad Yadav R/o village- Rampur Karar, P.O. and P.S.- Sahebganj, District- Sahebganj (Jharkhand)
2. Parsuram Yadav S/o Sohwal Yadav R/o village- Lakrakol Mathurapur, P.S.- Bhagalpur, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in Manihari P.S. Case No. 140 of 2021 registered under Section 379, 414 of the Indian Penal Code and rule 56 of Bihar Minerals, Prevention of illegal Mining Transportation & Storage Rule, 2019 & 2021 and MMDR Act, 2019.

Prosecution case in short is that on 20-06-2021, the informant under the leadership of SDO, Manihari and other



officers including the police officials raided Manihari Ghat, where on seeing the police team, the owner and the driver of the truck concerned escaped from there and after that, all the trucks were transported at SDO office campus, Manihari. It has been stated that all the trucks were found loaded with chips without e-Challan beyond its capacity.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. Stone chips were found on the truck, in question. The petitioner No. 1 is the owner of the truck and the petitioner No. 2 is the driver of the truck in question. The petitioner had no knowledge whether the stone chips on the truck was obtained by illegal means. There is no compliance of Section 100 of the Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, 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



furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 140 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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