

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53809 of 2021

Arising Out of PS. Case No.-905 Year-2020 Thana- BANKA District- Banka

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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 Mineral Department, Bihar, Patna. Bihar,
Patna.

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 379 and 401 of the Indian Penal Code, sections 11, 41 and 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules 2019, section 4(1) of the MMDR Act, 1957 and section 15 of the NGT Act, 2010.

As per the prosecution case, illegally dumped sand was found besides the Jogdiha-Belutikar way and the same was being loaded on a Hyva vehicle. On seeing the police personnel the accused persons escaped. It is stated that it subsequently transpired that the petitioner was responsible for illegal



dumping of sand.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case because of his antecedents. Neither was he arrested at the spot nor has he any concern with the vehicle. He is in custody since 27.2.2021 and charge sheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case specially the petitioner having remained in custody for more than 1 year, the Court directs the petitioner to be enlarged on bail in connection with Banka P.S Case no. 905 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka.

(Partha Sarthy, J)

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