

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23051 of 2021

Arising Out of PS. Case No.-420 Year-2019 Thana- RAJAON District- Banka

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1. DEV KUMAR @ DEBU YADAV Son of Gajendra Prasad Resident of village - Nayadih, P.S. Rajoun, District - Banka.
 2. Gandhi Yadav Son of Late Shyam Yadav Resident of village - Nayadih, P.S. Rajoun, District - Banka.
 3. Ladoo Yadav @ Prabhash Ranjan Son of Bhupendra Yadav Resident of village - Sikanpur, P.S. Rajoun, District - Banka.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-01-2022 This matter has been taken up for hearing online because of COVID – 19 pandemic restrictions.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners are expected to honour their undertaking to remove the defects, as pointed out by the office, when called upon to do so by the office.

The petitioners are apprehending their arrest in connection with Rajoun P.S. Case No. 420 of 2019 for the offence registered under Sections 379/411 of the Indian Penal Code and Section 21 of the Mines and mIneral (D&R) Act, 1957



and Section 56 of the Bihar Minerals Concession Prevention of Illegal Mining Storage and Transportation Rule 2019 and Section 15 of the Forest and Environment Act, 1986.

The prosecution case as per the first information report is that on 13.10.2019, Rajoun police force along with SDPO at about 12.45 arrived Bhadrar Chowk and found storage of sand in the side of Kachhi road. During course of enquiry, it is found that the said sand uplifted from Chandan River and stored or illegal business and further during course of enquiry it is found that that the co-accused persons including the petitioners are involved in the alleged stored of land.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in connection with the present case. Petitioners were not apprehended on the spot. Nothing has been recovered from the conscious and constructive possession of the petitioners. Neither the description of the land nor the boundaries were given where the sands were stored. It is further submitted that the petitioners have no criminal antecedent.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest/surrender before the court below within a period of four



weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 420 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Sunil Kumar Panwar, J)

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