

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47997 of 2022

Arising Out of PS. Case No.-120 Year-2020 Thana- RUDRAPUR District- Madhubani

1. Ganga Prasad Yadav @ Ganga Yadav Son Of Jugal Yadav Resident Of Village - Nawadih, P.S.- Chandwara, Distt.- Koderma, Jharkhand.
2. Binod Pandit Son Of Lakhoo Pandit Resident Of Village - Berokhurd, Barkatha, P.S.- Karkatha, Distt.- Hazaribagh Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 379/34 of the Indian Penal Code and Section 4(1)(A) Mines and Minerals (Development and Regulation) Act and Rule 56 of the Bihar Mineral (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

As per allegation in the FIR, petitioners are involved in illegal mining of sand from Kamla ghat. It is further alleged that several sand loaded trucks, Hyva, Dumper and tractors with trailers were found on the spot. Petitioners are said to be driver and owners of the alleged vehicles.



It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. He further submits that said M/S Goutam Construction has already paid tax/royalty to the tune of Rs. 34,33,809/- to the mining works to the Government of Bihar through East Central, Railway. He further submits that similarly situated co-accused persons have already been granted anticipatory bail by this Court passed in Cr. Misc. No. 70154 of 2021 vide Annexure-5 of the petition. Petitioners have clean antecedent.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid submissions, let the petitioners, above named in the event of their arrest or 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 ACJM-II, Jhanjharpur in connection with Rudrapur P.S. Case No. 120 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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

