

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62366 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- RANIYATALAB District- Patna

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1. NIRJAY KUMAR SINGH @ NIRAJ KUMAR, S/o Raj Kumar Singh, R/o- Shivpur Colony, Oppostie S.S. Colege, Ward No. 10, Bokaro, P.S.- Chas, District- Bokaro (Jharkhand) (Owner of L and T Komastu Comp. Poklen, Yellow Color, Model No. PC 200)
 2. Anil Kumar Yadav @ Anil S/o Sohrai Yadav R/o village- Janpara, P.S.- Bikram, District- Patna. (Driver of L and T Komastu Comp. Poklen, Yellow Color, Model No. PC 200)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-04-2022 Heard learned counsel for the parties.

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

This application for anticipatory bail arises out of Rani Talab P.S. Case No. 90 of 2021 (G.R. No. 1609 of 2021) for the offence punishable under Sections 379/411/420/34 of the Indian Penal Code, MMDR Act, 1957, Rule 21 and Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019- 11/56.

It is contended by the petitioners that after the mining was banned, the machines were not moved by the



petitioners because they are heavy machines in the expectation that permission of mining will be again granted. It has also been contended that the petitioners were not found operating or lifting sand without any authorization.

Considering the aforesaid facts and also the fact that the petitioners have clean antecedents, this bail application is allowed.

Let the petitioners, above named, in the event of their arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- 2nd Danapur, District- Patna, in connection with Rani Talab P.S. Case No. 90 of 2021 (G.R. No. 1609 of 2021), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

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