

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10051 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- RAJAON District- Banka

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1. Dhirendra Kumar Son Of Anil Ray R/O Village- Kohari, P.S.- Lodipur, Dist.- Bhagalpur
 2. Ashish Kumar Son Of Mohan Prasad Yadav R/O Bishanpur, Jicho, P.S.- Lodipur And District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 27-01-2022 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and the State through virtual mode.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 2 namely, Ashish Kumar as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 2 namely, Ashish Kumar is dismissed as withdrawn.

The petitioner No. 1 is apprehending his arrest in Rajoun



P.S. Case No. 133 of 2020 registered under Sections 379, 411, 188, 269, 270, 271, 290, 291 of the Indian Penal Code, Section-56 Bihar Minerals (Concession Protection of illegal Mining, Transportation & Storage Rules 2019, Section-21 MMDR Act, 1957 and Section-15 of Environment (Protection) Act, 1986.

Allegedly, illegal mining of sand was being done and the truck loaded with sand was seized.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 1. The petitioner No. 1 has been falsely implicated in the present case. The case was instituted in connection with illegal mining of sand. A truck loaded with the illegal excavated sand was seized. He had given the said truck on rent for carrying goods. The petitioner No. 1 is alleged to be owner of the truck in question. He had no knowledge regarding the nature of goods booked by the transporter. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner No. 1 is named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and



suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioner No. 1, 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 his personal bond to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 133 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 1 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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