

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27580 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- KATORIYA District- Banka

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1. RESHMI DEVI WIFE OF RAM PRASAD YADAV R/O Village- Mothabari, P.S- Katoria, Distt.- Banka.
 2. Sunil Yadav @ Sunil Kr. Yadav S/O Ram Prasad Yadav R/O Village- Mothabari, P.S- Katoria, Distt.- Banka.
 3. Vijay Kumar Yadav S/O Kapildev Yadav R/O Village- Bhemiya, P.S- Katoria, Distt.- Banka.
 4. Surendra Kumar Yadav S/O Saryug Yadav R/O Village- Dasdih, P.S- Katoria, Distt.- Banka.
 5. Vivek Yadav @ Vivek Kr. Yadav S/O Belu Yadav R/O Village- Mothabari, P.S- Katoria, Distt.- Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Assistant Director, Mines and Geology Department. Banka, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-07-2023 1. Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code, Sections 4 and 21 of Mines and Mineral (Development and Regulation) Act and Sections 4 and 40 of the BMMC Rule.

3. The informant alleges that three tractors as detailed in the FIR were seized from the bank of Sohratari river with 100



cft. of sand.

4. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is a woman. It is next submitted that petitioner no. 1 is also owner of one of the tractors but she was completely unaware that the driver of the tractor would misuse the vehicle in the manner as alleged in the FIR. The learned counsel for the petitioners further submits that petitioner nos. 1, 3 and 4 are owners of the tractor and they are willing to compound the offence by making payment of the seized sand in accordance with law.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Katoriya P.S. Case No. 90 of 2023 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the petitioners on the date of surrender shall produce a copy of the receipt showing that the money has been deposited with the Department of Mines for compounding the offence, in the event, if no receipt is filed on the date of surrender showing compounding of offence then in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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