

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37493 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- RAJAON District- Banka

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Mritunjay Yadav @ Mrityunjay Yadav, Son of Sikander Yadav, Resident of
Village- Laskari, P.S.- Banka, Distt- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Dhananjay Kumar Pandey, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Rajoun P.S. Case No.341 of 2022 registered for the
offences punishable under Sections 379, 411, 467, 468 of the
Indian Penal Code and Sections 11, 41, 56(2) of Bihar Minerals
(Concession, Prevention of Illegal Mining, Transportation &
Storage) Rules, 2019, Amended, 2021.

3. It is alleged that during the course of inspection, the
informant, Mines Inspector, Dhoraiya, intercepted two trucks
loaded with sand. On demand, the driver of the aforesaid
vehicles produces fake challan in regard to the sand loaded in



the aforesaid vehicles which resulted into lodging of the present FIR.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner being owner of the vehicles in question, his name has been implicated in this case, however, he was not even aware as to the sand was being loaded by the driver on a fake challan. Irrespective of the aforesaid fact, he submits that he is ready to pay the fine of the loss caused to the Government Revenue as per the assessment made by the mining officer.

5. On the other hand, learned counsel for the State vehemently opposed the pre-arrest bail application of the petitioner and submits that the petitioner appears to be habitual offender as he bears three criminal antecedents of the similar nature.

6. Regard being had to the submissions made on behalf of the parties and considering the undertaking given by the petitioner that he is ready to deposit the fine/loss of revenue caused to the Government, let the petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) 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.341 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that the petitioner shall deposit the receipt showing payment of fine/loss of revenue caused to the Government as assessed by the concerned department.

7. It is needless to observe that in case the petitioner fails to deposit the receipt showing payment of fine/loss of revenue to the Government at the time of furnishing his bail bond, his prayer for pre-arrest bail would stand rejected.

(Harish Kumar, J)

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