

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46027 of 2023

Arising Out of PS. Case No.-760 Year-2020 Thana- BANKA District- Banka

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1. Manish Yadav S/O Jagdish Yadav R/O Village- Laskari, P.S- Banka, Distt.- Banka.
 2. Rahul Yadav S/O Bindeshwari Yadav R/O Village- Laskari, P.S- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 20-09-2023 Heard learned counsel for the petitioners, learned counsel for the Mines Department and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 379/411 of the Indian Penal Code, Section 21 of MMDR Act, Section 56 of the Concession And Prevention of Illegal Mining Transportation and Storage Rules 2019 and Section 15 of the Environment Protection Act.

3. As per FIR, the villagers including the petitioners herein have been made accused alleging illegal mining of the sand causing revenue loss to the government.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. He submits that the petitioners has no concern with the driver and owner who do illegal work of storage of sand. He submits that the similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 02.01.2023 passed in Cr. Misc. No. 46062 of 2022. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State and learned counsel for the Mines Department opposing the prayer for bail submit that on determination of the price of the mineral, it was calculated that an amount of Rs. 12,73,900/- has been caused loss to the State.

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioners, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Banka P.S. Case



No. 760 of 2020, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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