

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58159 of 2023

Arising Out of PS. Case No.-361 Year-2021 Thana- BANKA District- Banka

Pradeep Yadav Son Of Late Upendra Yadav Resident Of Village Belutikar,
Police Station Banka, District Banka Petitioner/s
Versus

1. The State of Bihar
2. The Assistant Director, Mines And Geology Department Bihar
... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 12.12.2022 in connection with Banka P.S. Case No. 361 of 2021, F.I.R. dated 08.05.2021 for the offences punishable under Sections 379, 411 and 188 of the Indian Penal Code, Section 11/41/56(2) of Bihar Minerals (Concession, Prevention of illegal Mining, Transportation & Storage) Rule 2019, Sections 21/4(i) of Mines and Minerals (Development and Regulation Act, 1957 and Section 15 of NGT Act, 2010.

3. According to prosecution case, this petitioner along with other accused persons is said to have been involved in the illegal mining and transportation of sand.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case on the basis of the disclosure made by the local people and the petitioner was not arrested from the place of occurrence. He further submits that the allegation as alleged in the F.I.R against the petitioner and other accused persons is that they have committed the illegal mining and transportation of sand. He further submits that except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the petitioner has been implicated in the present case due to his previous criminal antecedents of similar nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.12.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 10 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in nine cases out of 10 cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 361 of 2021, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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