

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72912 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- BANKA District- Banka

1. Ganesh Yadav S/O Chamru Yadav R/O Village- Chaubatiya, P.S.- Banka, Distt- Banka.
2. Manoj Yadav S/O Ganesh Yadav R/O Village- Chaubatiya, P.S.- Banka, Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-05-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

A copy of the assessment of the loss amount by the
Mines Department is produced by learned counsel for the
petitioner.

Let it be kept on record.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 379, 411,
120(B) of the Indian Penal Code and Section 56 of BMCPI
MTS Rule 2019 and Section 21 of MMRD Act, 1957 and
Section 15 OF F.E.P. Act, 1986.

As per the prosecution case, during checking of



illegal mining of sand the informant along with other official saw one Tractor loaded with sand. On seeing the raiding team, the driver of the said vehicle fled away. It is further alleged that no paper regarding the seized vehicle has been produced by the owner of the said vehicle.

Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Learned counsel for the petitioners produced the document, in which the concerned Department has opined the loss amount to the tune of Rs. 27,688/- and the petitioners are ready to deposit the said loss amount to the concerned Department. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State oppose prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on **provisional bail** for three months, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 lower Court where the case is pending/successor Court in connection with Banka P.S. Case No.103 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The bail bond of the petitioners shall be confirmed by the learned court below after verifying the fact that the petitioners have deposited the loss amount i.e. Rs. 27,688/- in the concerned Department.

(Anjani Kumar Sharan, J)

anand/-

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