

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69268 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- AMARPUR District- Banka

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KAILASH MANDAL @ KAILASH SIKDAR Son of Sri Bhagwat Sikdar
Resident of Village - Tahsur, P.S.- Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines Inspector, Mines & Mineral Dept., Banka.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-03-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Section 379/411 of the Indian Penal Code, Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules 2019, Section 21 of MMRD Act 1957 and Section 15 of Environmental Protection Act.

As per the prosecution case, on 15.03.2021, a raid was conducted and five tractors loaded with sand near Chanan river were intercepted and on seeing the police party, all the drivers fled away from the spot leaving their tractors and nobody came to produce challan with respect to the sand in question. It is further alleged that the informant based on local inquiry came to know that petitioner alongwith three others were responsible for alleged illegal mining.



It is submitted on behalf of petitioner that petitioner is neither owner nor driver of any of the seized vehicle and as such, it cannot be alleged that petitioner was indulged in the illegal mining of sand. Similarly situated co-accused Guddu Mandal has already been granted anticipatory bail by a coordinate Bench of this Court, vide order dated 20.09.2022 passed in Cr.Misc. No. 33244 of 2022 (Annexure – 2 to the petition). Petitioner has got clean antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Amarpur P.S. Case No. 136 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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