

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.761 of 2023

Arising Out of PS. Case No.-396 Year-2022 Thana- BELHAR District- Banka

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1. ASHOK KUMAR YADAV (Male), aged about 31 years son of Narayan Yadav, resident of village-Kharba, Police Station-Belhar, District-Banka
2. Rupesh Kumar @ Rupesh Yadav (Male), aged about 26 years son of Hirman Yadav, resident of village-Baliyamara, Police Station-Banka, District-Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Awadesh Kumar, son of Late Mohan Saw, r/o village-Sakurabad, P.S. Sakurabad, District-Jahanabad, presently posted at Mines Inspector, Banka

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 22-05-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of
anticipatory bail in connection with Belhar P.S.
Case No.396 of 2022, registered for offences under
Sections 379 and 411 of the Indian Penal Code,
Rule 4(1)(21) of MMDR Act, Rules 11, 41, 56(2) of
Bihar Minerals (Concession, Prevention of Illegal
Mining, Transportation & Storage), Rules 2019.

The case of the prosecution, in brief,
according to the informant is that on 19.10.2022,
he along with other police personnel had arrived



near Kumrail sand ghat and intercepted a tractor loaded with illicit sand, however, the driver and owner of the seized vehicle had managed to flee away.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the petitioners have already paid the amount of penalty qua the sand loaded on the tractor, which has been seized by the informant and other police officials to the tune of Rs.35,625/- and e-challan, thereof has been produced before this Court, which is kept on record.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact



that now the petitioners have paid the penalty amounting to a sum of Rs.35,625/-, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Belhar P.S. Case No.396 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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