

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13077 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- BARAHAT District- Banka

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1. Md. Rahman Son of Md. Rahim Resident of Village- Bari Dhaka, P.S.- Banka, District- Banka
 2. Raja Kumar Ranjan Son of Chamaklal Yadav Resident of Village- Surakol, P.S.- Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Brij Nandan Prasad, Advocate
For the State : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-03-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 379 and 411 of the Indian Penal Code, Sections 4(1) and 21 of the MMRD Act and BMMC Rules, and Sections 11, 41 and 56(2) of the Mining Amendment Act.

3. As per prosecution case, Petitioner No. 1 is owner of the tractor which was seized with illegally mined sand and Petitioner No. 2 happens to be driver of the tractor.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are ready to compensate the amount of loss of revenue caused to the department but till



date, the department has not finalized the amount. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances, clean antecedents of the petitioners and the fact that they are ready to compensate the loss of revenue caused to the department, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Barahat P.S. Case No.26 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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