

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18458 of 2024

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

1. Samdarshi Kumar Yadav S/O Malti Yadav R/O Village- Katiyari, P.S- Tetia Bamber, Distt.- Munger.
2. Santosh Paswan S/O Jawahar Paswan R/O Village- Kharba, P.S- Belhar, Distt.- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Belhar P.S. Case No. 396 of 2022 dated 21.10.2022, instituted for the offence punishable under Sections 379, 411 of the Indian Penal Code and Sections 11, 41, 56 (2) Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules 2019 and Sections 4(1), 21 of Mines and Minerals (Development and Regulation) Act.

3. The prosecution case, in short, is that the informant upon getting a secret information intercepted a tractor bearing Engine No. NDNL03476, loaded with sand, near Kumrail



village. It is further alleged that on seeing the police personnel the driver succeeded to flee from spot leaving the said vehicle and no one came forward to furnish *challan* regarding the sand carried by the aforesaid vehicle.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner no. 1 is the owner of the vehicle while petitioner no. 2 happens to be driver of the seized tractor. It is submitted that the quantum of the fine as assessed by the Mining Department, which is Rs. 35,625/-, has been deposited in the Mining Department. Lastly, it has been submitted that they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am inclined to grant anticipatory bail to the petitioners subject to production of receipt of the quantum of fine assessed by the Mining Department of Rs. 35,625/- before the lower court at the time of surrender.

7. Accordingly, in the event of arrest / surrender of the petitioners in connection with Belhar P.S. Case No. 396 of 2022,



they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka, subject to condition as laid down under Section 438(2) of the Cr.P.C. as well as on production of receipt showing payment of fine to the Mines Department.

(Khatim Reza, J)

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