

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31258 of 2024

Arising Out of PS. Case No.-328 Year-2022 Thana- SHAMBHUGANJ District- Banka

Vikash Kumar Yadav Son of Arbind Yadav, Resident of Village - Chhatrahar,
P.S.- Shambhuganj, Distt- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Shambhuganj P.S. Case No.328 of 2022 instituted under Sections 379 and 411 of the Indian Penal Code and Sections 11, 41, 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 Amendment 2021-22 and Sections 4(1) and 21 of the Mines and Minerals (Development and Regulation) Act, 1957.

3. As per prosecution case, during inspection, a tractor without its registration number loaded with sand was intercepted by the informant near Chhatrahar village and no one came to furnish *challan* regarding loaded sand on the vehicle in question.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to village politics. Nothing specific allegation has been attributed to the petitioner. The petitioner is a driver of the tractor in question. The loss caused to the State has already been deposited in the office of District Mining. The petitioner has no criminal antecedent and he undertakes to cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released 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 Shambhuganj P.S. Case No.328 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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