

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25419 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -MALI District- AURANGABAD

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1. Bijay Mehta @ Bijay Kumar S/o Muneshwar Mahto resident of village -
Parsa Jain, P.S. Mali, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Smt. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 18-08-2016

Heard both sides.

The petitioner apprehends arrest in a case registered for the offences punishable under sections 420, 467, 468, 406, 414/120(B) and other allied sections of the Indian Penal Code and Section 4, 21, 40, 26(A) of the Bihar Minor Minerals Concession Rules, 1972.

The Mineral Development Officer, Aurangabad alleged that he inspected Hero Brick Kiln of village Bamandi where coal was being unloaded from a truck. The owner of the said brick kiln did not produce any paper nor the driver and the owner of the truck produced any paper to unload the coal in the said brick kiln. The coal was to be delivered at Kushinagar (U.P.). It is further alleged that the informant and others also went to inspect Punpun Brick Kiln situate in village Bairia but the owner of the brick kiln was not found and no mining licence, pollution clearance and other documents were shown to the informant. The petitioner was running Punpun Brick Kiln without any valid paper.

It is submitted that the petitioner was not present

in the brick kiln. The petitioner runs his brick kiln after taking licence from the Mining Department. The petitioner produced all the documents concerning the said brick kiln before the learned Sessions Judge, Aurangabad who has also taken note of the said fact in his order dated 29.03.2016 rejecting anticipatory bail application of the petitioner. It is further submitted that no illegal coal was being un-loaded at the brick kiln of the petitioner. Therefore, no offence under section 420, 467 and other allied sections of the Indian Penal Code is made out against the petitioner. The petitioner could not produce necessary papers before the informant at the time of inspection of his brick kiln because he was not present at that time although he produced those certificates before the learned Sessions Judge.

Considering the facts aforesaid, the petitioner above named, in the event of arrest or surrender in the court below within four weeks from the date of receipt/production of a copy of this order, shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Mali P.S. Case no. 11 of 2016 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Prabhat Kumar Jha, J)

Amin/-

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