

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49759 of 2015

Arising Out of PS.Case No. -64 Year- 2015 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

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Sri Shankar Yadav Son of Hari Bansh Yadav Resident of Village -
Saranpur, P.S. - Bhabua, District - Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. B.M.Pd.Sinha (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 13-01-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with
Bhagwanpur P.S. Case No. 64 of 2015 registered for the offences
punishable under Sections 420, 406, 409 of the Indian Penal Code
and sections 40 (1) (2) and (4) of the Mines Act.

Learned counsel for the petitioner submits that the present
FIR, lodged against the petitioner, is wholly misconceived as there
is only a provision for filing complaint against the petitioner
under the provisions of Bihar Minor Minerals Concessions Rules,
1972. It is further submitted that the procedure, prescribed under
the rules, has not been followed in the present case.

Considering the nature of allegation and the liability of the
petitioner who is said to have tried to evade royalty, the case against the

petitioner has been lodged only for the said purpose and as such no penal provision of the IPC is attracted.

In view of the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of his 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, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No. 64 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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