

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35600 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -RAGHOPUR District- SUPAUL

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1. Bhupendra Prasad Sah, son of Shri Ram Gati Sah, resident of village-
Belokhra, P.S.- Pipra, P.O.- Thumha, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Mineral through its Inspector,
Supaul/Saharsa/ Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 21-09-2016 Heard the Counsel for the petitioner, the Special P.P.

for the Mines Department and the APP for the State.

The petitioner is facing accusation under section 40
of the Bihar Minor Mineral Concession Rules, 1972 vide
Raghopur P.S. Case No. 60 of 2016.

The allegation is that the petitioner was running a
brick kiln without paying royalty to the State as well as without
licence. A notice was issued to the petitioner by the Mines
Department for payment of royalty in the sum of Rs. 83,440/- but
the same was also not paid.

Counsel for the petitioner submits that he shall
deposit the entire amount as demanded under the said notice and

thereafter will comply with the relevant provisions.

Be that as it may, considering the stand taken by the petitioner and after hearing both sides, I am persuaded to extend the privilege of anticipatory bail to the petitioner.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in Raghapur P.S. Case No. 60 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(iii) Along with the bail bond, the petitioner shall produce receipt/document showing deposit of a sum of Rs. 83,440/- in the

office of the District Mines Officer, Saharsa or under the appropriate head of the government or in treasury under the appropriate head.

Pankaj/-

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(Kishore Kumar Mandal, J)