

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40260 of 2016**

Arising Out of PS.Case No. -36 Year- 2016 Thana -AADAPUR District-  
EASTCHAMPARAN(MOTIHARI)

Nuruddin Mian, S/o Hadish Mian, resident of village - Pokhariya, P.S.-  
Adapur, Distt - East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate  
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      19-10-2016      Heard learned counsel for the petitioner and  
learned APP for the State.

Petitioner apprehends arrest in connection with  
Adapur P.S. Case No. 36/16 for offences alleged under Rule  
26(A)/4(a) and 40 of the Bihar Minor-Mineral Concession Act,  
1972, Sections 420/379 of the Indian Penal Code and under  
Section 21 of the Water Act, 1981.

Allegation is that petitioner illegally started  
brick-kiln in village Pokhariya, which act of petitioner is  
punishable under the provisions of Bihar Minor Mineral  
Concession Act, 1972 as also under the Indian Penal Code.

It has been submitted by the learned counsel  
for the petitioner that he is innocent, has a clean antecedent and

that there were other temporary brick-kiln owners in whose regard loss was assessed and similarly situated three persons have paid the loss as assessed by the departmental authorities. He submits that in his case no loss has been assessed, but if it is assessed by the Science Officer-cum-competent authority, District Mines Office, East Champaran at Motihari he is ready to pay the entire amount in one lump sum.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner undertakes to deposit the entire loss assessed by the Department in one lump sum, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, 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 Sub-Divisional Judicial Magistrate, Raxaul at Motihari, in connection with Adapur P.S. Case No. 36/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Nilu Agrawal, J.)**

Rajesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|