

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47864 of 2016

Arising Out of PS.Case No. -313 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
NAWADA

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1. Rajendra Modi,
2. Surendra Modi, Both are sons of late Rameshwar Modi, resident of
Village- Jhumri Telaiya, P.O. & P.S. Telaiya, District Kodarma
(Jharkhand). Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Prasad

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 30-11-2016

Heard Mr. Rajeev Ranjan Prasad for the petitioners
and Mr. Pandey, APP for the State.

Petitioners are brothers and partners of a mining
firm which was granted lease for mining in the year 1986. It is
stated that upon expiry of the lease, they have already applied for
renewal thereof which is pending with the State Government. In
the meantime, the present prosecution has been lodged vide G.O.
Case No. 313 of 2016 registered under section 33 of the Indian
Forest Act for carrying out the mining on the area initially leased
out to the firm.

Counsel for the petitioners submits that under law if
a duly filled in application is filed, the land will continue in
possession of the lessee until adverse communication is made and
the renewal is refused. In this regard, he has referred to Section
24-A(6) of the Mineral Concession Rules, 1960. Referring to

Annexure-3, it is stated that the Mining Department continues to raise demand against the firm for utilizing the leased land/property till mining operations were being conducted.

Considering the particular facts of the case, I am persuaded to privilege the petitioners with anticipatory bail. In the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in G.O. Case No. 313 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 petitioners.

(ii) In case of framing of charge, the petitioners 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 petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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