

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3147 of 2016

Arising Out of PS.Case No. -37 Year- 2013 Thana -FATEHPUR District- GAYA

Umesh Shah Son of Dwarika Shah @ Sethji, resident of village-Katadih,
P.S. Fatehpur, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gouranga Chatterjee, Adv.

For the Opposite Party/s : Mr. T.N.Thakur (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 17-05-2016

Though, the matter has been listed under the heading
“For Orders” but since the case diary has been received, the matter
is being taken up for admission.

Perused the show cause of the S.P., Gaya though, the
same is not satisfactory but it is expected from the S.P., Gaya to
apprise this Court within a period of four weeks with regard to
action being taken against all the responsible persons who
deliberately got delayed not only the transmission of the case diary
to this Court but also informing the S.P., Gaya with regard to fax
message received by the S.P., office transmitted by the learned
A.P.P..

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 379, 406 and 420 of the
Indian Penal Code Rules 4, 26 and 40 of the Bihar Mines and

Minerals Concession Rules, Section 21A, 22 and of The Air (Prevention and Control of Pollution) Act, Section 25, 31 and 44 of The Water (Prevention and Control of Pollution) Act and Sections 7 and 15 of the Environment Protection Act.

The prosecution case is that the Assistant Director, Mines and Mineral, Gaya sent a letter to S.H.O., Fatehpur alleging therein that on 20.01.2013 during inspection, it was found that the petitioner was manufacturing bricks though, the manufacture of bricks is ban.

It is submitted by learned counsel for the petitioner that neither the FIR which is based upon the letter of Assistant Director, Mines and Minerals, Gaya reflects the name of the owner of the land on which the alleged bricks were being prepared nor the during investigation the investigating agency has bothered to ascertain the land on which the bricks were manufactured, this contention of counsel for petitioner has not been controverted by learned A.P.P. after going through the case diary. It is further submitted that the petitioner was called by the police, the same has been incorporated in paragraph no. 45 of the case diary, but he was not arrested. The investigation has already concluded. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

The aforesaid facts constitute good ground for consideration of prayer for regular bail.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Fatehpur P.S. Case No. 37 of 2013 pending in the court of learned JM, 1st Class, Gaya.

It is expected from the learned court below to dispose of the regular bail application of the petitioner preferably on the same day.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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