IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37940 of 2017

Arising Out of PS.Case No. -223 Year- 2017 Thana -TURKAULIYA District- EASTCHAMPARAN(MOTIHARI)

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Mohan Kushwaha alias Mohan Prasad, Son of Late Ganga Prasad, Resident of Village- Bathna P.S.- Banjaria, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pravin Kumar
For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 11-08-2017 Heard the learned counsel for the parties.

The petitioner is apprehending his arrest in Turkauliya(Banjaria) P.S. Case No.223/17 for the offence under Sections 420/379 of the I.P.C. and 26(A)/4(A)/40 of the B.M.M.C.Rules,1972 and Water Pollution Act, 1981.

This application has been registered on the basis of the written report submitted by .the Mineral Development Officer, West Champaran, Bettiah, Incharge, Mines Inspector. In the letter addressed to the Officer –in-Charge, Banjaria, it has been alleged that some unauthorized brick kiln business is being run by the petitioner in his area and thereby causing pollution which is in violation of Mines Rules and thereby committed theft of minerals.

Learned counsel submitted that there is no specific

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allegation against the petitioner as there is no mention of plot of that area in which business is going on. Without any material the petitioner has been cited in category of accused column. Further submission is that the allegation of committing theft of mines and causing pollution is vague.

Learned A.P.P. opposed the prayer for bail of the petitioner.

Considering the aforesaid submission and nature of allegation, let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Motihari, East Champaran, in Turkaulia (Banjaria) P.S. Case No.223/17 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sanjay Kumar, J)

AnilKrSinha/-

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