

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50278 of 2017

Arising Out of PS.Case No. -94 Year- 2017 Thana -DAUDNAGAR District- AURANGABAD

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Ram Naresh Prasad Singh @ Naresh Prasad Singh, Son of Late Bhikhari Yadav, resident of village- Thakurbigha, P.S.- Daudnagar, District- Aurangabad (Bihar). Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s Malti Kumari, Adv.
For the Opposite Party/s : Mr. S.M. Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends arrest in connection with Daudnagar Police Station Case No. 94 of 2017 registered for the offences under sections 406, 420/34 of the Indian Penal Code and 40 of the Bihar Minor Minerals Act.

The present FIR has been lodged by the Circle Officer alleging therein that on casual inspection, he found that seven persons were running brick kiln business in violation of provision of Rule 26A of the Bihar Minor Mineral Concession Rules, 1972 which is punishable under Rule 40 of the Bihar Minor Minerals Rules, 1972.

The learned counsel for the petitioner submits that the petitioner is a bona fide businessman dealing brick kiln business since last several years having no antecedent. The petitioner has deposited an amount of Rs.74,500/- as per Challan towards royalty for the financial year 2016-17 to the credit of District Mines Development Officer, Aurangabad. Besides that the petitioner has obtained an Emission



Consent Order from the Bihar State Pollution Control Board. The present FIR has been lodged without seeking any explanation from the petitioner. The learned lawyer in above facts prayed for anticipatory bail.

Learned Additional Public Prosecutor on the other hand opposed the submission.

On perusal of annexures on record, I find that the petitioner has deposited royalty for the financial year 2016-17 besides that an Emission Consent Order has been obtained from the Bihar State Pollution Control Board, which was valid upto 31.03.2022. It further appears that no explanation has been sought for from the petitioner as provided under the Rules. There is no antecedent against the petitioner.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed.

Let the above named petitioner, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt or production of a copy of this order, 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 the learned Sub-Divisional Judicial Magistrate, Daudnagar (Aurangabad) in connection with Daudnagar Police Station Case No. 94 of 2017, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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