

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38376 of 2017

Arising Out of PS. Case No.-7 Year-2017 Thana- DHIBRA District- Aurangabad

=====

Himanshu Kumar Son of Late Kameshwar Singh Resident of Village -
Baranda, P.S. Dhibra, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. SRI JAI NARAIN THAKUR

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

4 19-09-2017 Heard Mr. Sanjay Kumar for the petitioner and the

Counsel for the Mines and Minerals Department.

On the instruction of the State Pollution Control Board,
the F.I.R. was lodged against the petitioner and several brick
kiln owners for having violated the provisions of the pollution
and the Mining Act.

Learned counsel for the petitioner submits that the
petitioner was running the brick kiln with all papers inasmuch as
it was also registered with the Department of Sales Tax under
the VAT. Annexure-2 is the No Objection Certificate obtained
from the Pollution Control Board. Considering the above, some
other accused have been granted privilege of anticipatory bail
vide order dated 11.08.2017 and 19.08.2017 passed in Cr. Misc.



No. 35315 of 2017 and 35191 of 2017 respectively.

Counsel for the Mines and Minerals Department as well as the State opposed the prayer and submits that the petitioner was responsible for not paying the royalty.

Considering the submissions made at Bar, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Dhibra P.S. Case No. 07 of 2017 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions;-

(I) One of the bailors shall be own/close member of the family of the petitioner.

(ii) Along with the bail bonds, the petitioner must produce receipt showing deposit of a sum of Rs. 4,000/- (four thousand) with the District Mines Officer, Aurangabad. Such deposit made by the petitioner as condition of bail shall not prejudice the petitioner in his defence.

Pankaj/-

(Kishore Kumar Mandal, J)

U		T	
---	--	---	--

