

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61278 of 2017

Arising Out of PS.Case No. -8 Year- 2016 Thana -BADHAILA District- SASARAM (ROHTAS)

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Sunil Kumar, S/o Phagu Singh, R/o village- Bhaun, P.S.- Baghaila, District-
Rohtas.

.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 22-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Baghaila P.S. Case No. 8 of 2016 registered under Section
379 of the Indian Penal Code and Section 40 of the Bihar Minor
Minerals Concession Rules, 1972.

It is submitted by the learned counsel for the
petitioner that the instant FIR has been instituted just in order to
recover certain amount which fell due from the petitioner. He
submitted that even on admitted facts as alleged in the FIR, the
ingredients of the offence punishable under Section 379 of the



Indian Penal Code would not be attracted. He further contended that the petitioner was running his brick kiln after obtaining permission from Mines Department and he did not violate any provisions of the Bihar Minor Minerals Concessions Rules, 1972.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VIII, Sasaram, Rohtas in connection with Baghaila P.S. Case No. 8 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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