

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57801 of 2017

Arising Out of PS.Case No. -63 Year- 2017 Thana -MUFFASIL District- AURANGABAD

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Santosh Kumar Singh S/o Pujan Singh, resident of village- Raipura, P.S.-
Muffasil- Aurangabad, District- Aurangabad, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Mufassil Aurangabad P.S. Case No.63 of 2017 registered under
Sections 420 and 406 of the Indian Penal Code and Rule 40 of the
Bihar Minor Mineral Concessions Rule, 1972.

It is submitted by the learned counsel for the petitioner
that on perusal of the complaint on the basis of which the FIR has
been instituted it would reveal that the same is a typed format with
blank space to fill the date of inspection and number of offenders
along with an enclosed list containing the names of brick kiln
owners. It is submitted that the complaint is totally vague with
regard to specific allegation against the petitioner as general and



omnibus allegation has been made against all the brick kiln owners in the district of Aurangabad that the brick kilns were being run without proper documentation. He submitted that with a view to start his brick kilns in the name and style of M/s S.T. Int Udyog at Aurangabad, the petitioner applied to the Chairman, District Environment Impact Assessment Authority, Aurangabad, Bihar for environmental clearance for the proposed Brick Clay Mining Project on 10.05.2017. He also applied for grant of licence by depositing necessary fee on 16.02.2016. According to him the proposed brick clay mining project is still at the initial stage for necessary environmental clearance.

On the other hand, learned counsel for the State submitted that the brick kiln owners including the petitioner were operating the brick kilns without depositing the advance royalty, without proper licence fee and no objection certificates from the respective departments.

Regard being had to the nature of allegation and the submissions made on behalf of the parties, 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Aurangabad in connection with Mufassil (Aurangabad) P.S. Case
No.63 of 2017, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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