

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33993 of 2017

Arising Out of PS.Case No. -88 Year- 2017 Thana -MADANPUR District- AURANGABAD

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Upendra Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 20-07-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Madanpur P.S. Case No. 88 of 2017 instituted for the offence under Sections-406, 420 of the Indian Penal Code and 40 of Bihar Minor Minerals Concession Rules, 1972.

It is alleged in the written report that the petitioner was running brick kiln without obtaining permission from Environment Department as well as No Objection Certificate from the Bihar State Pollution Control Board. The Bihar State Pollution Control Board had directed the petitioner and others to close brick kiln.

It has been submitted that the petitioner is owner of brick kiln. The learned Sessions Judge has mentioned in the impugned order that brick kiln of the petitioner was found closed.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of



receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Madanpur P.S. Case No. 88 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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