

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36613 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -RISHIUP District- AURANGABAD

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1. SIDHESHWAR PRASAD SINGH @ SINESH, Son of Sri Achutanand Singh, R/o Village- Bharthauli, P.S.- Muffasil, Aurangabad, District- Aurangabad.
2. Rajendra Singh Son of Late Kamdeo Singh, R/o Village- Rampura, P.S.- Muffasil, District- Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Mines Department : Mr. Rajendra Prasad, Spl. P.P. Mines
For the Opposite Party/s : Mr. Rajkishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-08-2017 Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Risiup P.S.Case No. 28 of 2017 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code and 40 of Bihar Mines Act.

Allegation is that petitioners are running brick kiln without having any licence and without royalty.

It has been submitted on behalf of the petitioners that royalty has already been paid and they have produced the document but the authority has not examined the same and they have applied for the licence but the same has not been given by the authority.



Heard learned APP and learned counsel for the Mines Department. Learned counsel for the Mines Department has submitted the petitioners are running the brick kiln without any licence and he has to verify as to whether they have applied for licence or not.

Having heard both sides and in view of the facts and circumstances, let the petitioners, named above, surrender in the court within a period of four weeks from the date of receipt/production of a copy of this order and produce all the relevant papers and on their so surrendering they shall be released on bail provisionally for a period of three months by the court below on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-VIII, Aurangabad, in connection with Risiup P.S. Case No. 28 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that :-

- (i) One of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of court concerned,
- (ii) Petitioners shall co-operate in the investigation and make themselves available



before the police as and when required and
in the event of failure on their part to appear
before the police on two consecutive dates,
the prosecution shall be free to move for
cancellation of their bail bonds,

- (iii) Petitioners will not induce any witness or
tamper with the evidence.

On being satisfied with the documents filed by
the petitioners, the court below will confirm the provisional bail of
the petitioners, otherwise the court below will be free to pass any
such order(s) as he may deem fit and proper.

With the above observation, this application is
disposed of.

(Vinod Kumar Sinha, J)

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