

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43068 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -AMBA District- AURANGABAD

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1. Arvind Kumar Gupta Son of Sarju Prasad Gupta Resident of village-
Parsanwa, P.S.- Kutumba, District- Aurangabad

.... Petitioner/s

Versus

1. 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 Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-09-2017

Heard the parties.

This application, for grant of anticipatory bail, arises out of Amba P.S. Case No. 48/2017, disclosing offences under Sections 406 and 420 of the Indian Penal Code.

The allegation against the petitioner is that he was running a brick kiln without any valid permission, which constitutes offence punishable under Section 40 read with Section 26A of the Bihar Minor Mineral Concession Rules, 1972. Offences punishable under Sections 406 and 420 have also been levelled in the F.I.R.

Learned counsel for the petitioner has submitted that no offence can be said to be made out under Sections 406 or 420 of the Indian Penal Code, even if the allegation, made in the



F.I.R., are treated to be true.

Be that as it may, considering the nature of accusation and the facts aforesaid, this application is allowed. Let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks, 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 the **learned Chief Judicial Magistrate, Aurangabad** in connection with **Amba P.S. Case No. 48/2017**, subject to the condition laid down under Section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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