

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73701 of 2018

Arising Out of PS. Case No.-39 Year-2018 Thana- RAFIGANJ District- Aurangabad

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Ajay Kumar @ Ajay Kumar Yadav S/o Shivdas Yadav R/o Muhalla-
Bahuganj, P.S.-Rafiganj, District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh, Advocate
For the Opposite Party/s : Mr.Sri Bharat Lal, APP
For the Department of Mines : Mr. Naresh Dikshit, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner, learned APP

for the State and Mr. Naresh Dikshit, learned Special P.P. for the

Department of Mines.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 4(1) and
4(1A) of the Mines and Minerals (Development and Regulation)
Act, 1957 and Sections 26(A), 27, 40 of Bihar Minor Mineral
Concession Rules, 1972.

The prosecution case as per the written report lodged
by Mines Development Officer, Aurangabad submitted to the
Station House Officer of Rafiganj Police Station is to the effect
that accused persons were running brick kiln without renewal of
the licence.



It is submitted by learned counsel for the petitioner that the due to the loss in running the brick kiln the petitioner was not running the brick kiln and only on suspicion, the accusation has been levelled against the petitioner. It is further submitted that similarly situated co-accused Pawan Kumar Sharma and Binod Kumar have been granted anticipatory bail by co-ordinate Benches of this Court vide Cr. Misc. Nos. 55489 of 2018 and 57828 of 2018 respectively. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Mr. Naresh Dikshit, learned Special P.P. for the Department of Mines submits that huge loss is being caused to the State exchequer due to running of brick kiln without renewal of the licence.

Considering the nature of accusation and the fact that similarly situated co-accused persons have been granted anticipatory bail, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds 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 Rafiganj P.S. Case No. 39 of 2018, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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