

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19223 of 2018

Arising Out of PS.Case No. -16 Year- 2018 Thana -BELCHAR District-
WESTCHAMPARAN(BETTIAH)

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Praveen Kumar @ Praveen Kumar Singh Son of Ravindra Singh, Resident
of Village-Parsauni, Police Station-Balthar, District-West Champaran and
Proprietor of Drishti Int Industry

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 05-04-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Balthar P.S. Case No. 16 of 2018 registered for the offences
punishable under Sections 406, 379 of the Indian Penal Code,
Section 15 of Environment (Protection) Act, 1986 as well as Rule
40 of Bihar Minor Mineral Concession Rule, 1972.

The accusation against the petitioner is that he was
running brick kiln without depositing mining tax for the year
2016-17.

Submission on behalf of the petitioner is that
Sections 406 and 379 of the I.P.C. and Section 15 of Environment



(Protection) Act, 1986 are not applicable and so far as Rule 40 of Bihar Minor Mineral Concession Rule, 1972 is concerned, the informant being mining officer lodged the present case without giving any notice to the petitioner for recovery of so-called dues tax.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Bettiah, West Champaran in Balthar P.S. Case No. 16 of 2018 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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