

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11691 of 2018

Arising Out of PS.Case No. -33 Year- 2015 Thana -BIHRA District- SAHARSA

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Pankaj Kumar S/o Badri Prasad Yadav, resident of Village Batraha, Ward
No. 25, P.S. Saharsa, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 27-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Bihra P.S.Case No. 33 of 2015 registered under Sections 379,
406 of the Indian Penal Code and Sections 3 and 4 of the Bihar
Mineral Illegal Mining Act.

It is submitted by Mr. Krishna Prasad Singh, learned
Senior Advocate appearing for the petitioner that in the given facts
and circumstances of the case the ingredients of the offences
punishable under Sections 379 and 406 of the Indian Penal Code
are not attracted. He submitted that the First Information Report
has wrongly been registered under Sections 3 and 4 of the Bihar
Minerals Illegal Mining Act. He contended that there is no such
act and the offence alleged, at best, would attract the ingredients



of the offence punishable under Section 3 of the Bihar Bricks Supplies and Price Control Act. The contravention of Section 3 of the said Act would, at best, make out a bailable offence, which is punishable with imprisonment for a term which may extend to three months or fine or both.

Learned counsel for the State opposed the application for grant of pre-arrest bail of the petitioner.

Regard being had to the submission made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Bihra P.S.Case No. 3 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/-

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