

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26901 of 2018

Arising Out of PS.Case No. -61 Year- 2018 Thana -UDAKISHANGANJ District- MADHEPURA

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Pinaki Ranjan Roy, Son of Shailendra Roy, Resident of Village- Laskari,
P.S.- Udakishunganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Department of Mines, Govt. of Bihar, New Secretariat,
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate.

For the Opposite Party/s : Smt. Veena Rani Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-05-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in

Udakishunganj Madhepura P.S. Case No. 61 of 2018 instituted
for the offence under Sections 4, 33, 26 (a) of Bihar Minor
Mineral Concession Rules, 1972, Section 15 of Environment
Protection Act, 1986, Sections 3 & 4 of Bihar Minerals
(Prevention of Illegal Mining, Transportation and Storage) Rule,
2003 and Section 40 of BMMC Rule 1972.

The allegation against the petitioner is that he being
the Proprietor of P.K.R. Marka Brick-kiln was running brick-kiln
illegally without license and depositing the revenue to the
Government as well as without obtaining ‘No Objection



Certificate' from the Environment Protection and Pollution.

Learned counsel for the petitioner has submitted that in the impugned order it is mentioned that petitioner has already deposited Rs.74,500/- to the concerned office through Bank Draft dated 20.02.2018. The First Information Report has been lodged in the month of May, 2018 after depositing the aforesaid money. It has further been submitted in paragraph-6 of the bail petition that vide letter contained in Memo No. 255 dated 20.03.2018, the Mines Inspector issued letter to the Officer-in-Charge stating therein that revenue has already been deposited by the petitioner on 21.2.2018 and 'No Objection Certificate' has already been submitted. The aforesaid letter has been enclosed as Annexure-2.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Udakishunganj Madhepura P.S. Case No. 61 of 2018**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Sub Divisional Judicial Magistrate, Madhepura**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local



having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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