

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27182 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- NABINAGAR District- Aurangabad

Anil Sao, Son of Late Rajendra Prasad, Resident of Village Tetariya, P.S.
Nabinagar, District Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-05-2018 Heard learned counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379 and 420 of the Indian Penal Code, Sections 4 (1), (1A) of the Mines and Minerals (Development and Regulation) Act and Rules 26A, 27 and 40 of the Bihar Minor and Minerals Concession Rules, 1972.

The prosecution case got initiated on the basis of written report of Mines Development Officer, Aurangabad, to the Station House Officer, Nabinagar Police Station to the effect the the petitioner is running brick-kiln without making payment of



the ownership charges.

It is submitted by learned counsel for the petitioner that the ownership charges have already been deposited through the bank draft before the District Mines Officer, Aurangabad, a statement to that effect has been made in paragraph no.7 of the petition. Further statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned Special P.P. Mines that due to non-payment of ownership charges, the FIR has been lodged against the petitioner.

Considering the fact that Rule 37 of the Bihar Minor and Minerals Concession Rules, 1972 provides mode of realization of royalty or penalty payable to be recovered as public demand/ rent under the Bihar and Orissa Public Demands Recovery Act, 1914, coupled with statement made in paragraph no.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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the learned ACJM, Aurangabad, in connection with Nabinagar P.S. Case No. 68 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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