

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29956 of 2019

Arising Out of PS. Case No.-393 Year-2018 Thana- ISLAMPUR District- Nalanda

Sachidanand Prasad @ Sri Sachidanand Prasad aged about 62 years (Male)
Son of Late Jwala Prasad Resident of Village- Barai P.S.- Islampur District-
Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. The Enforcement Officer, Mines and Minerals, District Office, Nalanda at Biharsharif, Bihar

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Mithilesh Kumar, Advocate
For the State	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 01-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 406 and 420 of the Indian Penal Code and Rule 4, 26(a) and 40 of Bihar Minor Minerals Concession Rules, 1972 registered in connection with Islampur P.S. Case No. 393 of 2018.

3. It is submitted that the petitioner has been falsely implicated on the accusation of running brick kiln for the period 2017-18 without paying Government revenue of Rs. 92,500/- despite demand notice. It is submitted that as a matter of fact, the brick kiln had been closed for the year 2016-17. Pursuant to the notice of the concerned authority dated 20.12.2017, an affidavit has been prepared on 06.02.2018 on the ground of closure of the brick kiln during the financial year 2016-17. In any event, the petitioner expresses his readiness to deposit an amount of Rs. 50,000/- latest by 31.08.2019 pending trial. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest



or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Islampur P.S. Case No. 393 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions –

(i) That the petitioner shall deposit the amount of Rs. 50,000/- before the learned court below latest by 31.08.2019 which shall abide by the final result of the trial.

(ii) That one of the bailors shall be a close relative of the petitioner.

(iii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(v) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail granted to the petitioner shall be confirmed by the learned court below within a period of four weeks after furnishing bail bonds, upon verification of the fact that the amount of Rs. 50,000/- has been deposited within the stipulated period, failing his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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