

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42007 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- ISMAILPUR District- Bhagalpur

1. Abhinab Sahu aged about 34 years male.
 2. Shankar Sahu @ Shashank Sahu aged about 31 years male, both sons of Bhabesh Sahu
 3. Anilesh Kumar Sahu @ Anilesh Sahu aged about 65 years male
 4. Ratnesh Kumar @ Ratnesh Kumar Sahu aged about 76 years both sons of Surajballi Sahu @ Suryaballi Sahu
All resident of Village-Sahu Parbatta, Police Station-Parbatta, District-Bhagalpur.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Rajendra Narain, Sr. Advocate Dr. Manoj Kumar, Advocate
For the Opposite Party	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 15-07-2019 Heard learned senior counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Rules 4 and 12 of the Bihar Mining Minerals Rules, 1972 and Section 31(A) of the Bihar Air Pollution Prevention and Control Act, 1981 registered in connection with Ismilpur P.S. Case No. 04 of 2019.

3. It is submitted that the petitioners have been falsely implicated and the FIR has been instituted in the backdrop of a complaint filed by Manoj Kumar Sahu before the Mines Development Officer, Bhagalpur. The said Manoj Kumar Sah is none other than his own nephew with whom there are family disputes. In any event, the allegation of illegal cutting of soil by the petitioners does not constitute the offence alleged under the provisions of the Bihar Mining Minerals Rules, 1972 and Bihar Air Pollution Prevention and Control Act, 1981. Specific statement has been made in paragraph 2 of the supplementary affidavit filed in Court today to



the effect that at no point of time the authorities under Section 31(A) of the Bihar Air Pollution Prevention and Control Act, 1981 have issued any notice to the petitioners. Statement is made at the Bar that the petitioners are accused in four prior cases of different nature and all such cases have been instituted at the instance of the petitioners' agnates in which they are on bail.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Naugachia (Bhagalpur) in connection with Ismilpur P.S. Case No. 04 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iii) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

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

(Vikash Jain, J)

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