

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43128 of 2019**

Arising Out of PS. Case No.-21 Year-2019 Thana- KHUDWA District- Aurangabad

SANJEEV KUMAR Son of Ram Naresh Prasad @ Sri Ram Naresh Prasad
Resident of Village-Deokali, P.S.-Obra, District-Aurangabad.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Md. Reyajuddin Son of Late Md. Kurban Resident of Nilkhoti Pali Road,
P.S.-Dehri, District-Rohtas, at present Mining Development Officer,
Aurangabad.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar Singh
For the Opposite Party	:	Mr. Ramchandra Singh, APP
For the Mining Deptt.	“	Mr. Naresh Dikshit, Spl. P.P. Mines

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 05-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Khudwan P.S. Case No. 21 of 2019 for the offence punishable under Sections 420/379 of the Indian Penal Code, Section 26(a)/33 BMMCR Rules and Section 15 Environment Protection Act.

An affidavit has been filed on behalf of Mineral Development Officer, Aurangabad, in paragraph 5 of which, following statement has been made with reference to Annexure-A to the counter affidavit, which is a letter addressed to the petitioner by the Mineral Development Officer, Aurangabad :

“5. That it is stated that Mineral Development



Officer, Aurangabad vide its letter no.1712 dated 3/8/2019 has intimated to the petitioner that in terms of aforesaid order dated 15/7/2019, 1 Acre 12 Decimal Gairmajarua Aam land has been made available by the Circle officer, Obra at Mauza Malwan bearing Thana No. 347, Khata No. 178, Khesra No. 1343 and he may contact personally with Circle Officer, Obra and ensure compliance of the order passed by this Hon'ble court with respect to Plantation of the Trees."

It is evident, thus, that the petitioner has been provided the space where he has agreed to plant 100 trees.

Learned counsel appearing on behalf of the petitioner informs that 100 sesame trees have already been planted. Learned counsel appearing on behalf of the petitioner has been fair enough to inform this Court that the petitioner shall maintain the growth of the trees for the next five years.

Considering the stand taken on behalf of the petitioner and the affidavit, which has been filed on behalf of Mineral Development Officer, Aurangabad, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Daudnagar, Aurangabad in Khudwan P.S. Case No. 21 of 2019, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is made clear that any official of the State of Bihar or any public representative shall be at liberty to approach this Court by filing an affidavit, if it is found that the petitioner has failed to maintain the plants.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

