

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59784 of 2019

Arising Out of PS. Case No.-21 Year-2018 Thana- GAYA MUFASIL District- Gaya

KARTIK RATHI Son of Shri Ajay Rathi Resident of 3 - B 22-23 Sukhadia Nagar, Near Gaytri Temple, P.S. - Sriganganagar, District - Sriganganagar - 335001.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gautam Kumar Kejriwal

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957, Section 15 of the Environment Protection Act, 1986, Rules 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972 and Sections 420, 406, 379 and 34 of the Indian Penal Code, registered in connection with Gaya Mufassil P.S.Case No. 21 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the F.I.R. has been instituted against four limited companies and one individual Pushpa Singh. The petitioner is a Director of accused no.5 M/s Mahadev Enclave Pvt. Ltd. It is



submitted that the FIR has been lodged with accusation of technical violation of the Environment Protection Act, 1986 and Bihar Minor Mineral Concession Rules, 1972, which having in any event since been complied with in terms of the compliance report annexed at page 59 to 73 of the brief. Reliance is placed on the judgment of a Co-ordinate Bench of this Court passed on 27.02.2019 in CWJC No.2267 of 2018 and analogous cases relating to the aforesaid M/s Mahadev Enclave Pvt. Ltd. (accused no.5 in the present case), wherein other similar FIRs have been quashed with the observation that institution of the FIRs is a clear contravention of the statutory provision and allowing investigation to be conducted by the police would be nothing but an abuse of process of law. It is further submitted that the accusations under penal sections are not made out. The petitioner claims clean antecedents.

4. Be that as it may, in the event of petitioner's arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Gaya Mufassil P.S. Case No. 21 of 2018, subject



to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

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

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

(iii) That the petitioner shall co-operate 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.

(iv) 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.

(Vikash Jain, J)

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