

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83575 of 2019

Arising Out of PS. Case No.-8 Year-2012 Thana- SONBERSA District- Sitamarhi

RAM PRAGASH MAHTO @ RAM PRAKASH MAHTO Son of Late
Bhagwandatt Mahto Resident of Village - Kanhauli, P.S.- Kanhauli, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma
For the Opposite Party/s : Mr.Sanjay Kumar

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

6 15-10-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Sonbarsa P.S. Case No. 08 of 2012, disclosing the offence under Sections 406, 420 of the Indian Penal Code and Section 40 of Bihar Mines and Mineral Act, 1972.

Allegedly, three brick kilns were found operating without having statutory registration. The allegation is that because of such illegality the State exchequer has been put to loss which amounts to embezzlement of Government revenue. The petitioner is said to be proprietor of one of such brick kiln.

Mr. Y.C. Verma, learned Senior Counsel appearing on behalf of the petitioner has submitted that the FIR has been registered without verifying the fact relating to M/s Sona Brick



Udyog which is running since 2010 and paying the statutory amount to the Mines Department. It has further been submitted that for certain period the brick kiln had remained closed, which fact was intimated to the Assistant Mining Officer. He has further submitted that even during course of investigation the petitioner was on police bail. He has relied on a decision of this Court in support of his plea that once the petitioner was on police bail, he should not be taken into custody.

Be that as it may, considering the nature of accusation and since I am of the view that no offence under Section 406 of the IPC can be said to be made out on the basis of what has been alleged, 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 bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in Sonbarsa P.S. Case No. 08 of 2012, subject to the condition 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.

(Chakradhari Sharan Singh, J)

Rajesh/-

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