

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13425 of 2022

Arising Out of PS. Case No.-359 Year-2018 Thana- GRIYAK District- Nalanda

JITENDRA KUMAR YADAV Son of Ruplal Yadav Resident of Village-
Sataua, P.S.- Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Enforcement officer, Mining and Minerals, Nalanda at Bihar Sharif.
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar No.1, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 409 of the Indian Penal Code read with Section 21 of the Minor Minerals Act of Rule 4/26(A).

The informant alleges that that the accused persons, including the petitioner, was found running his brick kiln without paying government tax/revenue for the year 2017-18 as such the same was in breach of the provisions of the Bihar Minor Minerals Concession Rules, 1972.

Learned counsel for the petitioner submits that the



petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that it appears that the informant who was a probationer perhaps was not aware of the law. Learned counsel further submits that if the petitioner was running his brick kiln without paying revenue to the government then the remedy to recover the same is prescribed in law for which a criminal case is not required, it is also submitted that even the law is clear that as to what steps are to be taken when such a situation arises under the B.M.M.C. Rules, 1972. Learned counsel submits that a certificate case was instituted against the petitioner in which Circle Officer has submitted a report that the brick kiln was closed for the last five years.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Giriyak P.S. Case



No. 359 of 2018 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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