

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10540 of 2023

Arising Out of PS. Case No.-478 Year-2022 Thana- MALSALAMI District- Patna

Suresh Prasad @ Suresh Pd. Son Of Late Yugal Prasad R/O Mohalla-
Rikabganj, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 188/379 of the Indian Penal Code, Sections 38/56 of the Bihar Minerals (Concession, Prevention of illegal mining, Transportation and Storage) Rule, 2019 and Section 15 of the Environment Protection Act, 1986.

As per the prosecution case, the informant alleged that brick-kiln owners are mining and running their brick-kilns without depositing the Government Revenue and alongwith the said report the informant had mentioned the name of several owners of the brick-kiln including the petitioner.

Learned counsel for the petitioner submits that no



such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the police has served the petitioner a notice under Section 41(1) of the Cr.P.C., but due to illness, the petitioner has not appeared before the police. He further submits that the petitioner is suffering from serious illness and also from Covid and the said brick-kiln was not in function. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail and submits that the Mining Department issued a letter dated 26.08.2022, about the dues of Rs. 4,10,000/- on the petitioner.

Considering the facts and circumstances of the case and the fact that the brick-kiln was not in function and the petitioner is suffering from serious illness, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty 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
Malsalami P.S. Case No. 478 of 2022, subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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