

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38582 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- TILAUTHU District- Rohtas

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1. Vineet Kumar Ranjan Son Of Vijay Kumar Singh Village- Near Club, Tilauthu, Ps- Tilauthu, Dist- Rohtas
 2. Vivek Kumar Ranjan Son Of Vijay Kumar Singh Village- Tilauthu, Ps- Tilauthu, Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department Of Mines And Minerals, Govt. Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Tiwary, Advocate
For the State	:	Mr.Mukesh Kumar Singh, APP
For Department of Mines:		Mr. Naresh Dikshit, Spl. P.P.
		Mr. Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Tilauthu P.S. Case No. 172 of 2023, registered on 03.08.2023 for the offences under Sections 379/411 of the Indian Penal Code, Sections As prayed for, list the matter after four weeks. 21 of Mines and Minerals (Development and Regulation Act, 1954, Section 15 of Environment Protection Act, 1986 and Sections 11, 38, 56 of Bihar Minerals (Concession Prevention of Illegal Mining Transportation and Storage Rules, 2019.



3. As per prosecution case, the petitioners have been made accused for non-payment of requisite cess and taxes for running brick kiln for the year 2022-23.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Petitioner no. 1 has been suffering from brain tumour and has been under treatment since 2020 in Delhi, Patna and Lucknow. He remained under treatment till 2022 and during this period he did not run brick kiln as he is still suffering from brain tumour. He has not been able to continue with the business of running brick kiln. Learned counsel further submits that the petitioners have transferred the ownership of their brick kiln which is stated to be in the name of M/s. Jai Hind Int Udyog in favour of one Guddu Kumar and his partner Lallan Kumar Singh has been running the said business in the name of Mahal Int Udyog and he has been regularly paying the royalty to the Mining Department and is obtained licence for running the said business, though in paragraph 11 fact of transfer of business of only petitioner no. 2 has been mentioned. Learned counsel further submits that for the relevant period, i.e., 2022-23 the royalty amount has been deposited by Lallan Kumar Singh and hence for the said period, there could be no claim against the



petitioners as they have already transferred their business to Guddu Kumar. Learned counsel further submits that in the facts and circumstances it is evident that no offence under Section 379 or 411 of IPC is made out against the petitioners. The petitioners are having antecedent of one case of similar nature but they are on bail in the said case.

5. Learned counsel appearing on behalf of Department of Mines vehemently oppose the submission made on behalf of the petitioners. Learned counsel submits that the petitioners have not made any declaration about transfer of their business.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioners have already transferred the business of brick kiln to some other person, who has been paying royalty and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Dehri-on-Sone,



Rohtas/concerned court in connection with Tilauthu P.S. Case No. 172 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

However, the learned trial court will verify whether both the petitioners transferred their brick kiln business as it appears from the FIR that the place of business is different for the two petitioners and learned trial court will also verify if the business has been transferred in the name of Guddu Kumar and whether any declaration to that effect has been made or not and then royalty for the relevant period has been paid, if these documents are not submitted by the petitioners, their bail bonds will not be accepted.

(Arun Kumar Jha, J)

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