

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84684 of 2024

Arising Out of PS. Case No.-8 Year-2012 Thana- CHOUTARWA District- West Champaran

Raju Giri S/o Ramadhar Giri R/o Village- Bada Gopalpur, P.S.- Gopalpur,
Dist. - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Minerals, Govt. of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Vijay Kr Singh No. 1
For the Opposite Party/s :	Mr.Jharkhandi Upadhyay, APP
For Mining Department :	Mr. Naresh Dikshit, Adv. Kalpana, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

10 15-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is apprehending his arrest in Chautarwa
P.S. Case No. 8 of 2012 registered under Sections-406 & 420 of
the Indian Penal Code as well as Section-4o of the Bihar Mines
and Minerals Act.

3. The allegation against the petitioner is of running a brick
kiln without licence.

4. It has been submitted on behalf of the petitioner that the
petitioner is not named in the FIR. The FIR shows that the
owner of the brick kiln is Vikash Giri and not the petitioner.
Learned counsel for the petitioner has further submitted that



during course of investigation, it came to light that the petitioner being relative of the FIR named accused Vikash Kumar, used to come at brick kiln and without any basis, he has been arrayed as accused.

5. On the otherhand, the learned counsel for the Mines Department has submitted that the petitioner himself is owner of the brick kiln, which transpires from the statement of independent witnesses recorded in paragraphs-28, 29 & 30 of the case diary. Vikash Giri was Munshi and the petitioner was owner of the brick kiln. Learned counsel has also submitted that this is a case of the year, 2012 and the processes under Sections- 82 & 83 has been issued against the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner is not entitled for privilege of anticipatory bail and accordingly, the same is *rejected*.

7. However, if the petitioner surrenders in the court below and seeks regular bail, the same shall be disposed of on its own merit without being prejudiced by this order.

(Nawneet Kumar Pandey, J)

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