

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56354 of 2017

Arising Out of PS.Case No. -64 Year- 2017 Thana -MALSALAMI District- PATNA

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1. Sanjay Singh @ Sanjay Kumar, son of Late Shivrath Prasad, Resident of Radha Market, Sharifganj, Police Station- Malsalami, Patna city, Dist.- Patna.

2. Dharendra Kumar, son of Late Shivrath Prasad, Resident of at Jafarabad, Raghavpur, Police Station- Malsalami, Dist.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Bihar State Pollution control Board, Beltron Bhawan, Shastri Nagar, Patna- 800023.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Narayan Singh

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 30-11-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Malsalami P.S. Case No. 64 of 2017 instituted for the offence under Sections 268, 270, 278, 308 and 326 of the Indian Penal Code.

Counsel for the petitioner has submitted that the meeting No. 104 of Bihar State Pollution Control Board was held on 19.09.2016. It was decided that after 31.08.2016 permission to run Bricks Kiln will be given, only to such Bricks Kiln, which will run through clear, technology, in five blocks of Patna namely Maner, Danapur, Phulwari Sharif, Patna Sadar and Fatuha Block. The notice was also published in newspapers and time was



provided to those Brick Kiln to convert them to cleaner Technology. In between 30.03.2017 to 02.04.2017 inspection was conducted and it was found that nineteen bricks kiln were running without following Rule 21 of Air (Prevention and Control of Pollution) Act, 1981 and also without adopting cleaner technology and therefore, the present case was lodged against the petitioners along with other bricks kiln agencies. The counsel for the petitioners has submitted that period for up-gradation of the bricks kiln has been extended to 31.08.2018 (Annexure P/2). The co-accused have been allowed anticipatory bail vide order dated 15.11.2017 by a co-ordinate Bench of this Court passed in Criminal Miscellaneous No. 51641 of 2017.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Malsalami P.S. Case No. 64 of 2017 to the satisfaction of learned Judicial Magistrate, 1st Class, Patna City, subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned,
(2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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