

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57511 of 2022**

Arising Out of PS. Case No.-16 Year-2018 Thana- SHEKHPURA District- Sheikhpura

RADHE SHARMA

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Mines and Geology Department, State of Bihar Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rudrank Shivam Singh, Advocate
For the Mines Deptt.	:	Mr. Naresh Dixit, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

12 25-07-2023

Heard learned counsel for the petitioner, learned counsel for the Mines Department and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 21A of the Bihar Minor Mineral Concessions Rules, 1972 and Section 15 of the Environment (Protection) Act, 1986.

3. The allegation against the petitioner is that he has violated the environmental conditions of certificate issued to them and as such has violated Section 15 of the Environment (Protection) Act, 1986.

4. It is submitted by learned counsel for the



petitioner 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. Petitioner has three criminal antecedents as mentioned in para-3 of this application.

5. Mr. Naresh Dixit, learned counsel appearing for the Mines Department fairly submitted that if the petitioner is ready to plant five hundred trees in the area specified by the District Mines Officer, Sheikhpura and also undertakes to take responsibility for their up-keeping for a period of six months, he has no objection if the privilege of bail is granted to the petitioner, for which plants will be given to the petitioner free of cost by the District Mines Officer, Sheikhpura. He further submitted that if the petitioner fails to do so, then the liberty may be given to Mines Department to file an application for cancellation of his bail.

6. Learned counsel for the petitioner undertakes to abide by the submissions advanced on behalf of learned counsel for the Mines Department as stated in para-5 of this order.

7. Having regard to the facts and circumstances of the case, 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 Sheikhpura P.S. Case No. 16 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and the undertaking given in para-6 of this order.

8. It is made clear that if the petitioner fails to abide by the terms and conditions as stated in para-5 of this order, the Mines Department will be at liberty to file an application for cancellation of bail of the petitioner before the learned Court below.

(Anjani Kumar Sharan, J)

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