

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47264 of 2014

Arising Out of PS.Case No. -50 Year- 2013 Thana -SIKTA District-
WESTCHAMPARAN(BETTIAH)

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Anil Kumar Dayniyal (Daniyal) son of Peter Daniyal resident of village -
Haripur Dharampur, P.S. - Siktra, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Sikta P.S. Case
No. 50 of 2013 dated 20.05.2013 instituted under Sections
420/120B/34 of the Indian Penal Code, 7 of the E.C. Act and 61
(2) of the Bihar Value Added Tax Act, 2005.

Learned counsel for the petitioner submits that he is
not named in the F.I.R. and as per the allegation goods, which



were loaded on a Tractor, were recovered and the named co-accused Alok Kumar Verma, Kisan Salahkar was travelling alongside on the motorcycle and taking away goods. It is submitted that the said Alok Kumar Verma along with Anup Kumar Singh, specialist are said to have connived to smuggle 'mung' seeds to Nepal for causing loss to the government. Learned counsel submits that two named co-accused are also alleged to have run away from the place where the driver was caught. Learned counsel submits that the petitioner is a fourth grade employee in the office of the Anchal Adhikari, Sikta and thus has no connection with the incident and he is also not alleged to have been one of the persons who ran away from the place where seizure was made. Learned counsel submits that later on he and one Ajay Kumar, Block Agriculture Officer were also made accused and the said Ajay Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court on 15.09.2014 in Cr. Misc. No. 23646 of 2014. It is submitted that the petitioner has no criminal antecedent and that no recovery has been made from him.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds

of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in Sikta P.S. Case No. 50 of 2013, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and subject to further conditions:

(i) The petitioner shall cooperate with the investigation and make himself available as and when required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioner shall remain physically present as and when required during trial and in the event of failure on two consecutive dates without sufficient cause, his bail bonds shall be liable to be cancelled by the learned Court concerned.

(Ahsanuddin Amanullah, J)

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