

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43995 of 2015

Arising Out of PS.Case No. -103 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Samir Kumar S/o Awadhesh Tiwari, of Sri Krishna Nagar, P.S.- Motihari Town, Dist- East Champaran.
2. Manish Kumar Pandey S/o Bipin Pandey of Vil- Dumra, P.S.- Kotwa, Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Pradip Nr. Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 14-10-2015 Heard the Counsel for the petitioners and the APP for the State.

Six accused persons have been named in the First Information Report vide Madhuban P.S. Case No. 103 of 2015 registered under Section 7 of the Essential Commodities Act. The petitioners here are not named therein.

The Block Development Officer intercepted two trucks and recovered 273 bags of wheat laden from the godown of the F.C.I. On query, it was disclosed that instead of delivering the wheat to the P.D.S. Dealer, the same was being carried to the house of one Sanjay Modi.

Contention of the petitioners is that they are not named in the F.I.R. At a later stage of the investigation, it has been

suspected that petitioners being employees of the F.C.I. must have hand in misdirecting the truck. It is also submitted that the Manager informed about the fleeing away with two trucks after loading by the miscreants.

Considering the above, it has been submitted that co-accused Sanjay Modi @ Sanjay Kumar Modi and Jitendra Rai have been released on bail vide orders dated 28.7.2015 and 14.8.2015 passed in Cr. Misc. Nos. 30506 of 2015 and 34190 of 2015 respectively. Petitioners have no criminal antecedent.

In the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri R. Kumar-IV, Judicial Magistrate, 1st Class, Sadar at Motihari, East Champaran in Madhuban P.S. Case No. 103 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case

of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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