

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3134 of 2015

Arising Out of PS.Case No. -56 Year- 2010 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Shashikant Singh S/o Dineshwar Singh Resident of Village Sindari Colony, Police Station Nirasa, District Dhanbad, (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak

For the Opposite Party/s : Mr. S. Eheteshmuddin (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 22-01-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Durgawati P.S. Case No. 56 of 2010 registered for the offences punishable under Sections 414 of the Indian Penal Code and 7 of Essential Commodities Act.

Some trucks laden with coal were intercepted and one of the drivers of the aforesaid trucks disclosed that coal of his truck belongs to the petitioner but submission on behalf of the petitioner is that one Ujjwal Sarkar claimed himself to be owner of the coal in question before the learned Sessions Judge while hearing the Bail Petition No. 379 A of 2010 and moreover, neither

Section 7 of Essential Commodities Act nor Section 414 of the Indian Penal Code is applicable in this case because the coal is a decontrolled item whereas the prosecution could not establish that the seized coal was stolen property.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Bhabua in Durgawati P.S. Case No. 56 of 2010 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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