

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40869 of 2015**

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1. Jitendra Kumar Yadav Son of Sri Tulsi Yadav Resident of Village - Masipidi, P.O. - Barma, P.S. - Barkatha, District - Hazaribagh (Jharkhand).
  2. Sitaram Yadav @ Sitaram Son of Sri Dipchand Yadav Resident of Village + Post - Choudhari Bandh, P.S. - Bagodar, District - Giridih (Jharkhand).

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Veena Rani Pd., APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

02/ 02-09-2015

The present application has been filed for modification/clarification of the order dated 03.08.2015 and 07.08.2015, passed in Cr. Misc. No. 31424 of 2015 to the extent of direction to the learned court below to accept the bail bonds of petitioners provisionally till the verification of the documents submitted by petitioners to Investigating Agency.

Criminal Miscellaneous No. 31424 of 2015 with a prayer for anticipatory bail was preferred by the petitioners in a case registered for the offences punishable under Sections 406, 414, 420 and 120(B) of the Indian Penal code was disposed of vide order dated 03.08.2015 with liberty to learned court below to consider the prayer of petitioners for regular bail.



The prosecution case is that few trucks were intercepted loaded with coal near Deo More coming from the side of Sherghati but the petitioners and others being drivers and owners of the trucks failed to produce the relevant permits or documents for transporting coal. Since the petitioners claimed that the coal were transported under valid documents, hence the learned court below was given liberty to consider the prayer for regular bail.

The matter was listed under the heading “To Be Mentioned” at the instance of learned counsel for petitioners on 07.08.2015 for modification of the order dated 03.08.2015 in view of the statement made in paragraph No. 10 of the petition that learned Sessions Judge called for report from the Investigating Agency with regard to verification of the documents of transportation of coal and in reply thereto the Investigating Agency submitted that the verification of the documents is awaited. The statement made in paragraph No. 10 of the petition reads as follows :—

“That it is stated and submitted that a report was sought by the learned Sessions Judge, Aurangabad regarding verification of the documents produced by the petitioners and in



reply thereto Investigating Authority submitted that he is in process of seeking permission from the higher authority to visit the different places outside the state to verify the document produced by the petitioners including the owner and driver of the other three trucks and in this way without proper verification truck has been kept standing in the premises of the police station under the custody of the local police.”

In view of the averments in paragraph No. 10 of the petition as quoted above the order dated 03.08.2015 was modified vide order dated 07.08.2015 which reads as follows :—

“Let the learned court below consider the prayer for regular bail of the petitioners or release the petitioners on provision bail if the petitioners produce valid/relevant documents, for transporting the coal, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Aurangabad Muffasil P.S. Case No. 91 of 2015, pending in the court of

learned Chief Judicial Magistrate,  
Aurangabad.”

It is submitted by learned counsel for the petitioners that the learned court below is not considering the release of the petitioners provisionally till the verification of documents, hence the present modification application.

In the facts and circumstances discussed above this Court is of the view that Investigating Agencies cannot be allowed to keep the verification of the documents pending for indefinite period jeopardizing the liberty of petitioners as the case was registered on 11.05.2015 for the seizure made on 08.05.2015 and after lapse of about four months if they have not submitted the verification reports, the order dated 03.08.2015 and 07.08.2015, passed in Cr. Misc. No. 31424 of 2015 is modified/ clarified to the extent that let the learned court below pass appropriate order for release of petitioners provisionally on execution of bail bond with adequate security till the submission of verification reports with regard to documents of transportation of coal submitted to the Investigating Agency by the petitioners which will be confirmed by learned court below if it is found that the coals were being transported under valid documents but if the report comes otherwise then the learned court below will consider the prayer for

bail on merits of the case.

It is expected from the learned court below to direct the investigating agency to submit the verification report expeditiously.

Accordingly, modification application is disposed of.

**(Dinesh Kumar Singh, J)**

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