

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49849 of 2015

Arising Out of PS.Case No. -187 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

- =====
1. Sunil Singh S/o Sri Raja Singh resident of Village- Sakhara, P.O.-
Khairahan, P.S.- Dehri, Dist- Rohtas (Sasaram).
 2. Sambhu Singh S/o Sri Ramlal Singh Resident of Vill.- Rudrapur, P.O.-
Jamuhar, P.S.- Dehri, Dist.- Rohtas (Sasaram).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A.B. Ojha, Sr. Adv.

For the Opposite Party/s : Mr. M.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 06-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Section 414 of the Indian Penal Code and that the owner of the coal, which is said to be the subject matter of theft and recovery against the petitioners, namely, Yash Coal Traders, has itself come out to claim possession of such coal and the police till date has also not been able to find out as to whose coal was stolen, this Court would be inclined to grant privilege of anticipatory bail to both the petitioners, who are driver and cleaner of the vehicle, in question, and were also having authority of M/s Yash Coal Traders, a coal merchant, to carry coal on the truck hired by the aforesaid M/s Yash Coal Traders.



That being so, if the petitioners, namely, Sunil Singh and Sambhu Singh surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 187 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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