

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49087 of 2014

Arising Out of PS.Case No. -132 Year- 2014 Thana -GAYA MUFFSIL District- GAYA

1. Vijay Malakar son of Madan Mohan Prasad Malakar resident of village -
Head Manpur, Joda Masjid, Police Station - Buniyadganj, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Arun Kumar Singh 5 (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 30-04-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Moffasil (Gaya) P.S. Case No. 132 of 2014 registered for the
offences punishable under Sections 414 of the Indian Penal Code

Learned counsel for the petitioner submits that the name of
the petitioner was taken by the driver of the vehicle on which the
coal is said to have been loaded. It is further submitted that
Annexure-2 clearly shows that one Jugnu Singh had in fact
purchased the said coal from one Nitesh Traders and that the said
Jugnu Singh had hired the vehicle in question for carrying the said
coal.

It has been submitted on behalf of the petitioner that he had

absolutely no role to play in the seized coal and for no reason whatsoever he is being prosecuted only because he is the owner of a coal depot.

Learned counsel for the petitioner submits that the said coal has been sought to be released by the said Jugnu Singh and, therefore, the coal in question is not stolen property so as to attract the provisions of Section 414 of the Cr. P.C.

Considering the aforementioned submissions and that no case is made out against this petitioner the fact that let the petitioner, in the event of his arrest / surrender within a period of two weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Moffasil (Gaya) P.S. Case No. 132/2014 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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