

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44198 of 2015

Arising Out of PS.Case No. -95 Year- 2015 Thana -MUFFASIL District- AURANGABAD

- =====
1. Jagdish Mahto son of Ghanshyam Mahto resident of village Baidhakaro, Basti Akhadakhori, Police Station - Bermu, District - Bokaro (Jharkhand).
2. Jitendra Kumar Mahto son of Rameshwar Mahto resident of village Baidhakaro, Chalakari Colony, Police Station - Bermu, District - Bokaro (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 16-10-2015 Heard the Counsel for the petitioners and the APP for the State.

Two petitioners herein are the owners of trucks bearing nos. JH-09U-2756 and JH-09U 7069 respectively. The Officer-in-charge of the Aurangabad Police Station, in course of checking of vehicles, suspected the two trucks laden with coal, which was not purchased coals. On the said suspicion, the F.I.R. was lodged.

Counsel for the petitioners has drawn attention of the Court to Annexure-2 series in order to submit that the coal was laden on these two trucks at Karo Colliery. The copy of the tax invoice and other documents have been enclosed. The petitioners are the owners and not the persons who were in possession of the trucks when it was suspected and seized. There is no criminal antecedent

of this nature against the petitioners.

In the facts and circumstances of the case, 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 learned Chief Judicial Magistrate, Aurangabad in Aurangabad Muffasil P.S. Case No. 95 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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