

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2771 of 2016

Arising Out of PS.Case No. -350 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

Bonga Mandal S/o- Sachida Mandal,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-01-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379, 411 and 353/34 of the Indian Penal Code and 174 of the Railway Act.

Prosecution case is that on information being received that the coals are being transported through boat after stealing from the railway, a raid was led when the boat was not located but 60 bags of coal were recovered when one Niranjan Kumar @ Nirwa Manda was apprehended . The petitioner and others were named on suspicion that they used to get the theft of coal committed from the railway yard.

It is submitted by learned counsel for the petitioner that only on speculation the petitioner has been named. The informant, who was an employee of NTPC has earlier also lodged a case

against the petitioner with similar accusation when the petitioner was granted anticipatory bail. Similarly situated co-accused Anil Mahaldar has been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No.2435/2016

Considering the recovery has not been from the petitioner nor the person who was apprehended from the place of recovery has named the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Kahalgaon P.S. Case No.350/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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