

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19347 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -SIKARHATA District- BHOJPUR

1. Bindhayachal Roy Son of Sri Kamla Rai, resident of village- Baseha,
P.S.- Agion Bazar, in the district of Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.15854 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -SIKARHATA District- BHOJPUR

1. Sanjay Pandey Son of Sri Tirath Nath Pandey Resident of Village-Doman
Dihara, Police Station-Agiaon Bazar, District-Bhojpur
2. Mukesh Tiwari Son of Sri Gobardhan Tiwari Resident of Village-
Bishunpura, Police Station-Udwant Nagar, District-Bhojpur
3. Santosh Tiwari Son of Sri Bindeshwar Tiwari Resident of Village-
Chitundi, Police Station-Ara Mufassil, District-Bhojpur
4. Chitranjan Kumar Son of Late Sahajanand Choudhary Resident of
Village-Parasia, Police Station-Jagdishpur, District-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.19347 of 2016)

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.
Mr. Bimal Kumar No. 2, Advocate

For the Opposite Party/s : Mr. S.N.Shukla(App)

(In Cr.Misc. No.15854 of 2016)

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.
Mr. Bimal Kumar No. 2, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

4 14-07-2016 Heard learned Senior Counsel for the petitioners
and learned Additional Public Prosecutor for the State.

These applications, for grant of anticipatory bail,

arise out of Sikrahatta Police Station Case No. 13 of 2016, disclosing offences under Sections 411/120B of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The 5 (five) trucks, all loaded with food grains, were seized by the Block Development Supply Office –cum– Circle Officer, Sikrahatta, either from within the campus or outside the campus of Singh Rice Mill, Sikrahatta, in the district of Bhojpur, on the presumption that the said food grains were likely to be sold in black-market.

Learned Senior Counsel appearing on behalf of the petitioners has submitted that the present petitioners are either owners of the trucks or the drivers and on the basis of material collected in course of investigation, it cannot be said that there was any nexus between the petitioners and the persons, who could have sold the food grains in black-market. It has also been submitted that the petitioners have no criminal antecedent, as has been stated in paragraph 3 of these applications.

Considering the above submissions, these applications are allowed.

Let the petitioners, namely, Bindhayachal Roy, Sanjay Pandey, Mukesh Tiwari, Santosh Tiwari and Chitranjan Kumar, in the event of their arrest or surrender before the Court below within six weeks, be released on bail

on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Ara, in connection with Sikrahatta Police Station Case No. 13 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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