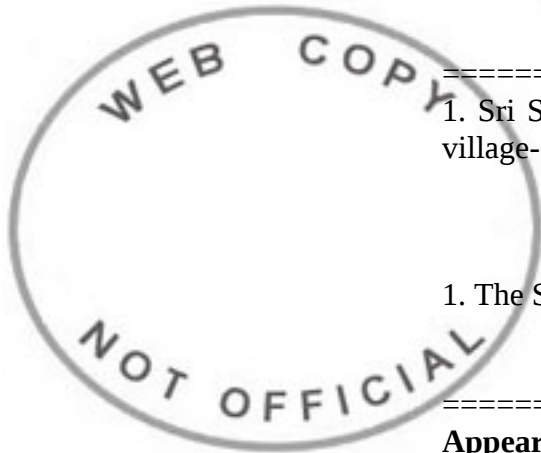


IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21829 of 2016



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1. Sri Subodh @ Subodh Kumar son of Sri Ram Prasad Sah, resident of
village- Amra Talab, P.S.- Sasaram (M), District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Opposite Party/s : Mr. Shailendra Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 20-05-2016

Heard.

As owner of one of the trucks which was intercepted by the informant allegedly carrying stones, the petitioner is named along with others as accused of Nokha P.S. case no. 189 of 2014 registered under Section 40(A) of the Mines Act and Section 26 of the Forest Act.

The petitioner has asserted that the truck was carrying valid permit which was ignored by the informant. At best, the petitioner being the owner of the truck cannot be fastened with the liability of the loaded stones on the truck which was used by some other person on hire basis.

Considering the above, it is stated that some other

accused persons have been granted the privilege of anticipatory bail. Copy of one of the orders is enclosed at Annexure-3.

Mr. Dayal, counsel for the State, has only pointed out that the truck belonged to the petitioner.

Be that as it may, considering the allegations made in the First Information Report as also the fact that some other accused persons have been granted the privilege of anticipatory bail, I am persuaded to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Rohtas at Sasaram in connection with Nokha P.S. case no. 189 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have

liberty to cancel the bail bonds of the petitioner and
secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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