

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45155 of 2015

Arising Out of PS.Case No. -580 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

- =====
1. Pankaj Mandal @ Pankaj Kumar.
 2. Deepak Mandal, Both sons of Saryug Mandal, resident of Mohalla-Ogri, P.S.- Kahalgaon, Distt- Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pravin Kumar Sinha

For the Opposite Party : Mr. A.Haque Sahara(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-01-2016 Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are apprehending their arrest in connection with Kahalgaon P.S. Case No. 580 of 2014 pending in the Court of CJM, Bhagalpur for the offences instituted under Sections 379 and 411/34 of the Indian Penal Code.

The prosecution case in short is that on the alleged date of occurrence the informant, who is GM of NTPC, Kahalgaon, came to know that the accused persons along with the petitioners named in the FIR committed theft of coal and after loading it on the tractor bearing registration No.BR-10B-3350 tried to flee away but the tractor turned turtle near Railway Crossing. On information police came and seized the tractor and coal which was

packed in 107 bags i.e. about 03 tons.

It has been submitted on behalf of the petitioners that the petitioners have been named accused merely on the basis of suspicion. There is no direct or indirect evidence against the petitioners. No incriminating article is said to have been recovered from their possession.

On behalf of the State, it has been submitted that the petitioners are named in the FIR and they are involved in committing theft of coal of NDPS, Kahalgaon and there is criminal antecedent also against petitioner no.1.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioners on anticipatory bail, the same is rejected.

Anyhow, if the petitioners surrender in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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