

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4747 of 2015

Arising Out of PS.Case No. -801 Year- 2013 Thana -MUNGER COMPLAINT CASE District-
MUNGER

- =====
1. Pramod Kumar
 2. Vikash Yadav

Both sons of Yogendra Yadav resident of village-Patam, Post
Office Patam, Police Naya Nagar, Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. Prem Bijay @ Udai kumar Rai son of Laxmi Rai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Sinha -2

For the Opposite Party/s : Mr. Narsing Tanti(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 16-02-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State as well as learned
counsel appearing on behalf of the complainant.

In view of the fact that Petitioner No. 2 (Vikash Yadav) has
died, the case with regard to petitioner No. 2 has become
infructuous and is accordingly dismissed as against him, as having
become infructuous.

The petitioner No. 1 apprehends his arrest in connection
with a case registered for the offences punishable under Sections
417 and 406 of the Indian Penal Code.

Learned counsel for the petitioners submits that there was
no transaction between the parties and only because the petitioner

had been called to transport illegal coal from the colliery and due to the fact that the petitioner had refused to participate in the act of illegal mining, the complainant in order to take wreck vengeance has filed the present case after a lapse of eight months.

Learned counsel for the complainant submits that actually the petitioners had loaded the coal to the tune of over one lakh rupees and thereafter, they proceeded from the colliery to deliver the same at Munger but the coal never reached to its destination. On query, the petitioner stated that the vehicle had undergone mechanical problem and the coal would be reached to its destination. But when the same did not materialized, the complainant made further queries and came to know that the coal loaded on the vehicle of the petitioner has been sold. The complainant then asked for the amount which is the consideration amount of the coal which the petitioner and his brother has promised to pay but they have not done so.

However, considering the entire facts and circumstances of the case and that the case seems to be a dispute with regard to contractual liability, let the petitioner, in the event of his arrest / surrender within a period of three weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two

sureties of the each amount to the satisfaction of the learned
Judicial Magistrate, 1st Class, Munger in connection with
Complaint Case No. 801C of 2013 subject to the conditions as laid
down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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