

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3973 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -JAMHORA District- AURANGABAD

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Shiv Kumar, Son of Sri Indradeo Mehta, Resident of Village- Kushwaha
Nagar, P.S. Town, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Umesha Nand Pandit (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 15-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Jamhore
P.S. Case No. 70 of 2015 registered for the offence punishable
under Section 414/34 of the Indian Penal Code.

On tempo being registration No. BR-26E/9619 seven
bags each containing 50 K.g. dry *Mahua* flower, were recovered
and during investigation it transpires that the petitioner is the
owner of the said tempo.

Submission is of false implication and that admittedly
he is the owner of the tempo, the said tempo was given to the
driver on daily rent basis, the petitioner was not aware regarding
loading of *Mahua* flower, no offence under Section 414 IPC is

made out and the petitioner having no criminal antecedent by remaining in custody since 7.12.2015, has been sufficiently penalized.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering the detention of the petitioner at this stage, now he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Aurangabad arising out of Jamhore P.S. Case No. 70 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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