

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16207 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -MUFFASIL District- AURANGABAD

=====

Md. Khurshid Khan Son of Late Jamal Khan, Resident of Village- Sandail,
P.S.- Sherghati, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-05-2016 Heard both sides.

The petitioner apprehends his arrest in Aurangabad Muffasil P.S. Case No. 5 of 2016 registered for the offences punishable under Sections 419, 420, 120B and 34 of the Indian Penal Code and under Section 7 of the Essential Commodities Act.

The informant alleged that the rice loaded on a truck bearing registration number JH02T-5790 was parked in the premises of Ma Bhagwati Rice Mill. Thereafter the rice of truck number JH02T-5790 was being unloaded on another truck bearing registration number CG-04-JC-6931.

It is submitted that the petitioner is owner of JH02T-5790 and the truck has some mechanical problem that is why the loaded rice was being unloaded on another truck. It is further

submitted that there is nothing on record to show that the rice was being unloaded for the purpose of black marketing. The owner of Ma Bhagwati Rice Mill namely Vinay Kumar Gupta has already been granted anticipatory bail by a coordinate Bench of this Court vide orders passed in Cr. Misc. No. 14514 of 2016 on 28.04.2016. The case of the petitioner stands on better footing than the petitioner as there is no material to show that the petitioner instructed the driver or cleaner of the truck to unload the rice from his truck.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in Aurangabad Muffasil P.S. Case No. 5 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--