

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12759 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -MUFFASIL District- AURANGABAD

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1. Shyam Kishor Prasad, son of Late Deo Nandan Prasad, Resident of Urmila Villa, Surya Mandir Road, P.S. Town, District Aurangabad, Bihar, Managing Director, M/s. Bhagwati Coke Industries Pvt. Ltd. situated at Industrial Area, Aurangabad, Bihar.
 2. Dayanand Sharma, son of Sri Shambhu Nath Sharma, Resident of of Shree Krishan Nagar, P.S. Town District Aurangabad, Bihar.
 3. Subodh Kumar, son of Shri Bhuneshwar Sharma, Resident of Surya Mandir Road, P.S. Town, District Aurangabad, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal
Mrs. Priya Gupta
For the State : Mr. Ajay Kumar-II (APP)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 25-05-2016 Heard Mr. Alok Kumar Agrawal for the petitioners and Mr. Ajay Kumar-II, the APP for the State.

Petitioner no.1 is the director whereas petitioner nos. 2 and 3 are the employees of the Company which is said to have been searched by the Circle Officer leading to filing of Aurangabad Muffassil P.S. Case No. 42 of 2016 registered under sections 406 and 420/34 IPC in relation to the alleged shortage of coal in the business premises and thereby the present FIR as the coal was sold in black market.

Referring to Annexure-2, it is stated that the coal has



already been denotified as the essential commodities. The jurisdiction of the Circle Officer to make seizure of the business premises has also been seriously challenged. It is stated that considering the above, the accused of other case lodged by the Circle Officer have been granted anticipatory bail vide order dated 26.04.2016 passed in Cr. Misc. No. 17028 of 2016 and the order dated 20.04.2016 passed in Cr. Misc. No 14336 of 2016.

Considering the above, the petitioners above named, in the event of arrest/surrender within four weeks from today shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in Aurangabad Muffassil P.S. Case No. 42 of 2016 on condition that one of the bailors of each of the petitioners shall be their own/close family members. They shall appear on each date fixed at the trial. In case of default in appearance on two dates in a row, the trial court shall cancel their bail bonds.

(Kishore Kumar Mandal, J)

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