

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14336 of 2016

Arising Out of PS.Case No. -27 Year- 2016 Thana -BARUN District- AURANGABAD

1. Pramod Kumar Singh Son of late Ram Rekha Singh Resident of At- Po Teldiha, PS Madanpur, District Aurangabad.
2. Pradeep kumar Kashyap son of late Surajdeo Prasad Resident of New Diliya At Po & PS Dehri -On-Sone, Distt Rohtas.
3. Rajani Kant Verma@Rajnikant Verma son of late Yamuna Prasad Resident of Village- Jaipur, Po Bishunpura PS Sherghati Distt Gaya.
4. Sarju Singh Son of late Rm Nandan Singh Resident of Village- Pokhraham Po Sone Nagar, PS Barun District Aurangabad.
5. Moti Lal Pal son of late Bhura Pal Resident of Village- Tendua, Po Ps Barun District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

- For the Petitioner/s : Mr. Vibhuti Prasad Pandey, Sr. Adv.
Mr. Alok Kumar Agrawal
For the Opposite Party/s : Mr. Ram Sumiran Rai(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-04-2016 The petitioner no. 4, namely, Sarju Singh, has been arrested during the pendency of this application and, therefore, this application has become infructuous so far as it relates to petitioner no. 4.

Heard learned Senior Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Barun Police Station Case No. 27 of 2016, disclosing offences under Sections 406, 420, 467, 468, 471, 161, 120B of the Indian Penal Code.

The petitioner nos. 1 and 2 are Directors and petitioner nos. 3 and 5 are the employees of a company, viz. M/s Swastika Smokeless Coke Company Private Limited, engaged in the production of Special Smokeless Fuel.

It is alleged that in a raid conducted by the Circle Officer, Barun, in the business premises of the Company, 270.174 MT coal was found deficit. With the allegation that the said coal must have been sold in the black market, the First Information Report came to be instituted.

Learned Senior Counsel appearing on behalf of the petitioners has submitted that coal, no more, is under the ambit of essential commodity and it has been denotified by the Government. He has produced before me a copy of the order, dated 11.04.2016, passed in Criminal Misc. No. 14718 of 2016, whereby this Court has granted regular bail to co-accused, Prashant Kumar Sinha, an employee of the said company. It is further submitted that the petitioner no. 4 has also been granted regular bail by the Court below.

Considering the submission, as above, this application is allowed.

Let the petitioners, namely, Pramod Kumar Singh, Pradeep Kumar Kashyap, Rajani Kant Verma @

Rajnikant Verma and Moti Lal Pal, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Barun Police Station Case No. 27 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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