

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37112 of 2016

Arising Out of PS.Case No. -73 Year- 2016 Thana -AGAMKUAN District- PATNA

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Badal Kumar Das Son of Laxami Kumar Das Resident at MIG - 8, Lohiya
Nagar, Police Station Kankarbagh, District Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 19-09-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Agamkuan Police Station Case No. 73 of 2016, disclosing offences under Sections 419, 420, 467 and 120(B) of the Indian Penal Code.

Petitioner is owner of the truck bearing registration no. JH10-AD-3627. On the date of occurrence, i.e. 26.02.2016, it was noticed by the police party that from another truck bearing registration no. BR-01-GA-7959, huge quantity of coal was being shifted in the truck, which belonged to the petitioner. On seeing the police, the driver and other staff of both the trucks fled away. This is not in dispute that shifting of the coal from one vehicle to another vehicle was being illegally done.

Learned counsel appearing on behalf of the petitioner has submitted that there is nothing in the First Information Report to indicate that the illegal transport of coal, which was taking place, as alleged in the First Information Report, was within the knowledge of the petitioner. He has submitted that the implication is only because he is owner of the said truck. It has been stated in para-3 of the application that the petitioner has no criminal antecedent.

Considering the facts and circumstances and nature of allegation, this application is allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City, Patna, in connection with Agamkuan Police Station Case No. 73 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 petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail

bond shall be liable to be cancelled.

Subject to further condition that if the petitioner is found indulging in similar activity, in future, the prosecution shall be at liberty to approach this Court, for cancellation of bail bond, accepted, in the light of the present order, granted him anticipatory bail.

(Chakradhari Sharan Singh, J.)

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