

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14612 of 2016

Arising Out of PS.Case No. -493 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

- =====
1. Ajay Kumar Son of late Binay Kumar Mishra Resident of Village- Mashishi, PS Mahishi, District Saharsa.
 2. Umesh Kumar Mishra, Son of Anant Kumar Mishra resident of Village- Dhanga, PS Nauhatta, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Mustaque Alam (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 21-04-2016 Learned Counsel for the petitioners is permitted to make necessary correction in the prayer portion of the present application, in course of the day.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bakhtiyarpur Police Station Case No. 493 of 2015, disclosing offence under Section 7 of the Essential Commodities Act.

The case of the prosecution is that four tractors loaded with wheat of the Food Corporation of India, was found parked in front of the godown of co-accused Prem Kumar Bhagat.

The petitioner no.1 and the petitioner no.2 are the owners of tractors having registration number BR-19B-1783 and BR-19B-9872.

Learned Counsel for the petitioners submits that in similar circumstance, other co-accused persons have been granted bail by this Court. One Birendra Bhagat has been granted anticipatory bail in Cr. Misc. No. 15165 of 2016. He has further submitted that said co-accused persons are owners of the godown who had hired these tractors and the petitioners are not responsible for any misuse of the said tractors, hired by the owner of the godown.

Considering the facts and circumstance and accusation, this application is allowed.

Let the petitioners, namely (1) Ajay Kumar and (2) Umesh Kumar Mishra, 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 Sub-Divisional Judicial Magistrate, Saharsa, in connection with Bakhtiyarpur Police Station Case No. 493 of 2015, 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.)

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