

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32654 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -SIDHWALIA District- GOPALGANJ

- =====
1. Jagdish Rai, son of Teja Rai,
 2. Manjay @ Manjya Rai, son of Jagdish Rai, all are resident of village-
Karahi Khurd, P.S.- Basantpur, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 29-08-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in Sidhwaliya P.S.

Case No.38 of 2017 instituted for the offence under Section(s)
406, 409/34 Indian Penal Code and Section 7 of the E.C. Act.

It has been submitted that the petitioners are the
Driver and Owner of the Pickup Van from which 53 bags of rice
of Mid Day Meal was recovered.

It has further been submitted that the vehicle was
hired by Paras Ram, Pradhan Shadhan Sevi, and Agent Pawan
Kumar Barnwal, to deliver rice of Mid Day Meal to different
schools. Petitioners have merely given the vehicle on hire which
met with accident. The petitioners have no concern with the rice,
which was to be delivered by Paras Ram, Pradhan Shadhan Sevi,



and Agent, Pawan Kumar Barnwal, to different schools. The vehicle was hired by them after paying the rent.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Sidhwaliya P.S. Case No.38 of 2017, they shall be released on anticipatory bail on furnishing bail bond of ` 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, VI, Gopalganj, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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