

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60273 of 2017

Arising Out of PS.Case No. -262 Year- 2017 Thana -MADANPURA District- AURANGABAD

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Kamlakar Tiwari, son of Ram Bilash Tiwari, Resident of Village- Sikari,
P.S.- Baburi, District- Chandauli (U.P.).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 19-12-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Madanpur P.S. Case No.262 of 2017 instituted for the offence under Sections 379/411 of the Indian Penal Code and Section 40 of the Bihar Minor Minerals Concessions Rules 1972 and Section 3 of the Prevention of Damage to Public Property Act, 1984.

It is alleged that two trucks were detained by the police party on the ground of overloading of sand and not holding valid papers. The police arrested the two drivers of the trucks, namely, Ganesh Kumar and Surendra Kumar Maurya.

Learned counsel for the petitioner has submitted that the petitioner is owner of both the trucks. He was not present on the spot. The learned Sessions Judge has mentioned in the impugned



order that in paragraphs 30 and 31 of the case diary, challan was found correct and genuine.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, namely above, within six weeks from today, in connection with Madanpur P.S. Case No.262 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, District- Aurangabad, subject to the conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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