

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25718 of 2017

Arising Out of PS.Case No. -529 Year- 2016 Thana -BIHTA District- PATNA

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1. Santosh Kumar S/o- Late Lalbabu Rai, resident of Village- Mathiyapur,
P.O.- Jamsaut, P.S.- Sahpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 07-07-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out Bihta P.S.
Case No. 529 of 2016, disclosing offences under Sections
147,148,149,379,414,406,420,467,468,471,387 of the Indian
Penal Code.

The petitioner is owner of Poclain JCB Machine having
description “Tata Hitachi-2206609 Model-2 x 210 LLH-1, Serial
N. Dale 001786”. The said Poclain Machine was seized by the
police after the police noticed that the same was used for
extraction of sand from Koilwar, unauthorisedly.

Learned counsel for the petitioner has submitted that the
petitioner’s poclain Machine was not seized from the place of
occurrence, rather, it was seized from near his house. He has



submitted that the petitioner has falsely been implicated. It is also stated that the petitioner has no criminal antecedent.

Considering the above submission, this application is allowed. Let the petitioner in the event of his arrest/surrender within four weeks from today in the Court below 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 the learned ACJM, Danapur, Patna in Bihta P.S. Case No. 529 of 2016, subject to the conditions as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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