

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57882 of 2017

Arising Out of PS.Case No. -67 Year- 2016 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

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1. Birendra Singh @ Birendra Kumar Singh, Resident of Village-
Phenhara, P.S.- Phenhara, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 11-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Phenhara P.S. Case No.
67 of 2016 instituted for the offence under Section-7 of Essential
Commodities Act.

It is alleged in the written report that 5 drums of K. oil was
recovered in village-Phenhara from the private land of Ramesh Sah
which is also used as road. The K. oil was seized on 20-10-2016.

It has been submitted that the petitioner is not named in the
written report. Counsel for the petitioner has submitted that name of
this petitioner has subsequently surfaced during investigation after
seven month on the basis of supervision note. The accused Ramesh Sah
has given statement u/S 164 Cr.P.C. in which he has taken the name of
this petitioner. The statement of Ramesh Sah has been recorded after 9
months of recovery of K. oil on 27-07-2017.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Phenara P.S. Case No. 67 of 2016 to the satisfaction of learned Sub Divisional Judicial Magistrate, Sadar, East Champaran, Motihari subject to condition as laid down u/S 438(2) of the Cr.P.C. with further 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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