

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.14909 of 2017**

Arising Out of PS.Case No. -150 Year- 2016 Thana -ATRI District- GAYA

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Baiju Sao, Son of Sri Sitaram Sao, resident of village - Khukhari Tola  
Pirbigha, P.S. Nimchak Bathani, Distt. Gaya

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      06-04-2017      The petitioner is apprehending his arrest in connection with  
  
Atri P.S. Case No. 150 of 2016, registered for offences punishable  
  
under Sections 420 and 414 of the Indian Penal Code and Section  
  
7 of Essential Commodities Act.

It has been submitted on behalf of the petitioner that nothing  
  
has been recovered from his possession. He is owner of the said  
  
Tempo. He is not named in the FIR.

As such, petitioner has falsely been implicated in this case.

As a matter of fact, 400 liters of kerosene oil was recovered  
  
from the Tempo and the driver of the Tempo was arrested at the  
  
spot. He has also stated that the Tempo belongs to him.

Heard learned A.P.P. also.

The learned A.P.P. could not controvert the aforesaid facts.

Having heard both sides, considering the facts and



circumstances of the case, nature of offence and also that petitioner has no criminal antecedent and only general and omnibus allegation has been levelled against him, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya, in connection with Atri P.S. Case No. 150 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

**(Vinod Kumar Sinha, J)**

Ravi/-

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