

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60805 of 2017

Arising Out of PS.Case No. -107 Year- 2017 Thana -TRIVENIGANJ District- SUPAUL

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1. SAMSUL HAQUE @ MD. SAMSUL HAQUE @ MD. SAMSUL, S/o
Md. Fajle Haque, R/o Village- Shishauna, P.S.- Araria, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 19-12-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Triveniganj P.S.**

Case No.107 of 2017 instituted for the offence under Section(s)

420 Indian Penal Code and Section 7 of the EC Act.

It is alleged that 54 bags of Arwa rice total 32 quintal 90 kg. was recovered from the Pickup Van and the same was suspected to be rice of government scheme. The bags were hand stitched. Driver of the Pickup Van disclosed that rice has been loaded from BattuYadav. Petitioner is said to be the owner of the Pickup Van.

As such from the written report, it is clear that the petitioner was not present at the spot. There is no recovery from



his conscious possession. It is mentioned in para 3 of the bail petition that petitioner has no criminal antecedents.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Triveniganj P.S. Case No.107 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Supaul**, 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) 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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