

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48748 of 2017

Arising Out of PS. Case No.-136 Year-2015 Thana- AKHODHIGOLA District- Rohtas

Binod Kumar Singh @ Binod Singh Son of Late Jaganath Singh, R/o Village-
Suara, P.S.- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. AKSHAY LAL PANDIT

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 10-11-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Akorhigola Police Station Case No. 136 of 2015, disclosing offences under Sections 379 and 411 of the Indian Penal Code, Sections 4 (1-A), 21 (1) of the Mines & Minerals (Development and Regulation) Act, 40 (1) of the Bihar Mining Act and Sections 33, 44 and 42 of the Indian Forest Act.

According to the case of the prosecution, the police intercepted a truck, loaded with stone chips. The driver of the vehicle was not carrying any paper in that regard. The petitioner was not named in the First Information Report. It appears that in course of investigation, the registered owner of the vehicle



disclosed to the police that he had sold the truck to this petitioner in the year 2009.

Learned Counsel, appearing on behalf of the petitioner, has submitted that the petitioner had also sold the truck much before registration of the First Information Report and even if the allegation as contained in the First Information Report is treated to be true, there is nothing that the petitioner had knowledge of misuse of the said truck for the purpose of commission of the offence.

Considering the above submission, this application is allowed.

Let the petitioner, Binod Kumar Singh @ Binod Kumar, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Sub Divisional Judicial Magistrate, Dehri, Rohtas, in connection with Akorhigola Police Station Case No. 136 of 2015, subject to the condition 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
bond shall be liable to be cancelled.

Prabhakar Anand/- **(Chakradhari Sharan Singh, J)**

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