

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12120 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -ARWAL District- JEHANABAD

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1. Manoj Kumar Son of Suresh Prasad Singh, Resident of Village- Mahabalipur, P.S.- Paliganj, District- Patna.
2. Rajkishor Son of Ramadhar Singh, Resident of Village- Khanpura, P.S. Paliganj, District Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 11-04-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Arwal P.S. Case No. 15 of 2017 registered for the offences punishable under Section 414 of the Indian Penal Code.

Allegation against the petitioners is that being owners of the trucks they were making illegal trade of coal and they have licence only for the State of Jharkhand but their trucks were caught at Arwal in the State of Bihar without any valid chalan for the same.

It has been submitted on behalf of the petitioners that petitioners are the owners of the trucks and they have valid chalan for the State of Jharkhand and not for State of Bihar and at best coal has already been seized by the police and trucks are also in their custody, as such, petitioners may be granted anticipatory bail.

Heard learned APP and learned counsel for the Mines Department, who have opposed the prayer for anticipatory bail.

Heard both sides and considering the fact that trucks



as well as coal is already in the custody of the police and petitioners are owners of the trucks, let the petitioners, named above, in the event of their arrest or surrender in the court within a period of two weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Arwal, in connection with Arwal P.S. Case No. 15 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that petitioners shall co-operate in the investigation and make themselves available before the police as and when required and in the event of failure on their part to appear before the police on two consecutive dates, the prosecution shall be free to move for cancellation of their bail bonds and further petitioners will not induce any witness or tamper with the evidence and after investigation any incriminating comes against the petitioners, prosecution will be at liberty to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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