

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15755 of 2017

Arising Out of PS.Case No. -97 Year- 2013 Thana -KHAIRA District- JAMUI

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1. Binod Sah,
2. Munna Sah @ Subodh Sah, Both Son of Dhihari Sah, resident of village -
Garhi, P.S. Khaira, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-04-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Khaira P.S.

Case No. 97 of 2013 instituted for the offence under Section-414
of the Indian Penal Code and 7 of Essential Commodities Act.

As per written report, one passenger vehicle was
intercepted by the police and 23 bags of rice was found loaded on
the aforesaid vehicle. The driver of the vehicle disclosed that rice
belongs to the petitioner No. 1 who runs a grocery shop and the
rice is of mid day meal. The aforesaid rice was being taken to the
rice mill of brother of petitioner No. 1, Munna Sah (petitioner
No.2).

In this manner, name of the petitioners was disclosed by
driver of the vehicle which was intercepted by the police. There is
no recovery from possession of the petitioners. In paragraph-3, it



has been mentioned that petitioners have no criminal antecedent.

In such circumstances, prayer for anticipatory bail is allowed it is ordered that the petitioners named above, in the event of their arrest or surrender in the court below within four 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 Khaira P.S. Case No. 97 of 2013 to the satisfaction of learned Sub Divisional Judicial Magistrate, Jamui 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) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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