

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55889 of 2017

Arising Out of PS.Case No. -299 Year- 2017 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

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Kamlesh Mahto @ Kamlesh Kumar Singh, Son of Sri Niwas Singh,
Resident of Village- Gopi Bigha, P.O.- Jamuhar, P.S.- Dehri (Town),
District- Rohtas.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sada Nand Roy, Advocate.

For the Opposite Party : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 353, 427 of the
IPC, 40(1) of Bihar Mining Act, 40(1-A), 21(1) of Development
of Exchange Act and 33, 41 and 42 of the Bihar Forest Act.

The prosecution story, in brief, is that the informant
recovered 45 Crusher Machines, 02 Tractors, 01 JCB and 01
Generator.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There



is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that the informant recovered 45 Crusher Machines, 02 Tractors, 01 JCB and 01 Generator from the place of occurrence. The petitioner has been made accused in the present case due to mistake of fact. The petitioner was not on the spot. The name of the petitioner has come merely on the basis of suspicion. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. No compliance of Section 100 Cr. P.C. is made in the present case. The petitioner had no knowledge regarding the alleged incident.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Dehri, Rohtas, in connection with Dehri (T) P.S. Case No. 299 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

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(Sudhir Singh, J)

