

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11084 of 2018

Arising Out of PS. Case No.-381 Year-2015 Thana- KISHANGANJ District- Kishanganj

-
1. Sujit Kumar Ghosh, S/o Sapan Kumar Gosh,
 2. Sarwasti Gosh @ Sarwasati Ghosh @ Saraswati Ghosh, W/o Sapan Kumar Ghosh, R/o Village- 78/12, A/c, Exhibition Road, P.O. & P.S.- Behrampur, Distt.- Murshidabad (W.B.).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Minhaz Alam son of Abdul Matin resident of Salempur, Bazar Gaon P.S.- Balirampur, District Katihar, at present resident of old Khagra, P.S. and District- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha
For the Opposite Party/s : Mr. Sri Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 02-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in **Kishanganj P.S.**

Case No.381 of 2015 instituted for the offence under Section(s)
419 and 420/34 of the Indian Penal Code.

In the written report, it is alleged that coal was booked by
New Bihar Kolkata Roadways Beltola, Guwhati by truck
number as mentioned in the written report. The petitioner is said
to be owner of the aforesaid truck. It is alleged that coal did not
reach the destination.

Notice was issued to the informant. The service report of



notice has been received wherein it is mentioned that opposite party No.2 has personally received the notice but he has not appeared in the Court.

Learned counsel for the petitioners has submitted that there is no any supporting document with the FIR to show that the coal was booked by the informant through New Bihar Kolkata Roadways. It is further submitted that roadways has not been made accused in this case.

A report was called for from the Court below which has been received wherein it is mentioned that no process under Sections 82 and 83 Cr.P.C. has been issued against these petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Kishanganj P.S. Case No.381 of 2015**, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the C.J.M., Kishanganj, 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) 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)

shyambihari/-

U		T	
---	--	---	--

