

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62016 of 2017

Arising Out of PS. Case No.-260 Year-2017 Thana- GHOSI District- Jehanabad

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Venkatesh Kumar Sharma @ Bankatesh Kumar, Son of Sri Ravindra Sharma,
Resident of Village- Okri, Police Station- Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. S.H.O. Police Station Ghoshi (Okri) District- Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay
For the State : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 24-01-2018 Heard learned counsel for the petitioner and counsel for
the State.

The petitioner apprehends his arrest in Ghosi (Okri) P.S.
Case No. 260 of 2017 instituted for the offence under Sections
420, 379 and 411 of the Indian Penal Code, B.M.M.C. Rule
1972, under Section 40/26 (A) and Bihar Illegal Mineral Storage
and Transportation Act, 2003 and Prevention of Damage to
Public Property Act, 1984-3.

It is alleged in the FIR that while the informant along
with other police personnel was on patrolling duty, he got
information that the petitioner was loading sand by his J.C.B.
Machine on Hywa Truck near his brik-kiln situated in the
village Dhobarhi. The informant reached there and the drivers of



Hywa Truck and J.C.B. Machine on seeing the police party managed to escape. The informant seized the Hywa Truck and J.C.B.Machine as mentioned in the written report in presence of the independent witnesses and seizure list was prepared.

The counsel for the State submits that the Hywa Truck and J.C.B. Machine belonged to the petitioner.

In the written report, it appears that the petitioner was not present on the spot. He has been made accused merely on the allegation that the Hywa Truck and J.C.B. Machine belonged to the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Ghoshi (Okri) P.S. Case No. 260 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, subject to the conditions (1) bailor should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two



consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner 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 petitioner.

(Sanjay Priya, J)

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