

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9026 of 2019

Arising Out of PS. Case No.-490 Year-2018 Thana- BAHERA District- Darbhanga

MD. WASIM @ MD. VASIM Son of Md. Asfak Resident of Village-
Bhawanipur , P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 18-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Bahera P.S. Case No. 490 of 2018 registered for offence punishable under sections 378, 411, 467, 471/34 of the Indian Penal Code and 4/40 B.M.M.C. Rules 1972.

Claim has been made that the Police has seized the truck along with illegal coal which was coming from Gauhati to Uttar Pradesh.

The learned counsel for the petitioner submits that the petitioner is an owner of said truck and without his knowledge, the driver has used the truck for carrying the illegal coal. The petitioner has no criminal antecedent.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he, in the event of



arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Benipur, Darbhanga in connection with Bahera P.S. Case No. 490 of 2018, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. If the petitioner is found involved in similar type of allegation in future, the prosecution will have liberty to file an application for cancellation of his bail bond. Whenever the Police will call the petitioner for the purpose of interrogation/investigation, he would present himself, In case of failure, the prosecution will have liberty to make a prayer for cancellation of his bail before the court below.

(Shivaji Pandey, J)

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