

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17589 of 2019

Arising Out of PS. Case No.-848 Year-2018 Thana- BANKA District- Banka *

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1. Soni Kumari, aged about 30 years, Female, Wife of Avinash Kumar
 2. Avinash Kumar, aged about 35 years, Male, Son of Dinesh Yadav
Both resident of Purani Bus Stand Banka, Ward No. 11, P.S.- Banka,
District- Banka.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 379/411 of the Indian Penal Code, Rules 8/40 of the BMMC Rules, 1972 and Section 15 of the Forest Environment Act, 1986 registered in connection with Banka (Barahat) P.S. Case No. 848 of 2018.

3. It is submitted that the petitioners have been falsely implicated in connection with seizure of two mini Haiwa vehicles of which the petitioners are owners. It is submitted that the said vehicles had been hired out to one Anjan Rai on monthly rental of Rs. 32,000/- each in terms of the two agreements/power of attorney dated 18.10.2017 and 28.09.2018 respectively. In any event, the petitioners express their readiness to deposit the amount of loss caused to the Department. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be



released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka (Barahat) P.S. Case No. 848 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 1 shall be well represented in court on each and every date during trial except as and when directed by the learned court to be physically present and petitioner no. 2 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The petitioners shall make deposit of the amount of loss caused to the Department in connection with the alleged occurrence, subject to final result of the trial.

BT/-

(Vikash Jain, J)

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