

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27998 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- NTPC District- Bhagalpur

Arbind Yadav @ Arbind Kumar Yadav Son of Kartik Yadav Resident of
Village - Gamaharpur, P.S.- Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 07-08-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with NTPC P.S. Case No. 05 of 2019, registered under Sections 379, 414 and 188 of the Indian Penal Code and Section 40 of the Mining Act, 1972.

The allegation against the petitioner, as per FIR, is that the police intercepted one tractor carrying coal and the driver of the tractor tried to escape away, but he was caught on chase and he revealed that the petitioner is involved in the sale of coal, without permit.

Learned counsel for the petitioner submits that the petitioner is innocent and his name has been dragged on the basis of statement of the driver. He further submits that



petitioner is owner of the tractor and coal was being carried out by his driver, which was purchased by the petitioner from M/s. Jaiswal Trading, which would be evident from Annexure 2 i.e. cash memo of M/s. Jaiswal Trading. He further submits that there is no material to connect the petitioner for theft of the coal as alleged in the First Information Report.

On the other hand, learned counsel for the State, based upon the case dairy submits that no material has come during the investigation, that the recovered coal was stolen by the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that there is no material to show that the coal, which was seized by the police, was stolen by the petitioner from NTPC or elsewhere and further the petitioner has annexed the cash memo showing that the same was purchased by him, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Bhagalpur
in connection with NTPC P.S. Case No. 5 of 2019; subject to
condition as laid down hereinabove and under Section 438(2) of
the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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