

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39600 of 2019

Arising Out of PS. Case No.-192 Year-2018 Thana- KUTUMBA District- Aurangabad

VINDHYACHAL THAKUR Son of Krishna Thakur Resident of Village-
Banadua, P.S.- Kutumba, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. The Managing Director, Bihar Minor Mineral Deptt., Govt. of Bihar, Patna.
Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh
For the Opposite Party/s : Ms.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-06-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kutumba Police Station Case No. 192 of 2018, disclosing offences under Sections 147, 149, 353, 379 of the Indian Penal Code, Section 4/40 of the Bihar Minor Minerals Concession Rules and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that when the police party stopped two tractors, laden with sand, the drivers of the said tractors tried to flee away after unloading the tractors and when the police chased them, the drivers of the tractors fled



away leaving behind the tractors. They are alleged to have taken away with them four plastic sacks, which were kept in the sand. When the police party were preparing the documents for seizure of the two tractors, 18-20 persons, including the petitioner, on 7-8 motorcycles came and forcibly took away the tractors.

Learned Counsel for the petitioner submits that there is no specific allegation against the petitioner and he is only alleged to be the part of 18-20 persons, who took away the tractors forcibly. He further submits that no recovery of illicit liquor has been made from the conscious possession of the petitioner and he petitioner has clean antecedent.

After having heard learned Counsel for the parties and in the facts and circumstances of the case that there is neither any specific allegation against the petitioner nor any recovery of illicit liquor was made from the possession of the petitioner and the petitioner is alleged to be the part of 18-20 persons, who forcibly took away the tractors, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Vindhyachal Thakur, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VII -cum- Special Judge (Excise), Aurangabad, in connection with Kutumba Police Station Case No. 192 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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