

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73612 of 2019

Arising Out of PS. Case No.-239 Year-2017 Thana- RANIYATALAB District- Patna

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ROHIT RAJ @ ROHIT RAJ ANAND @ MANISH KUMAR, aged about 20 years, Male, Son of Sanjay Kumar, a Resident of Naya Tola, P.S.- Khusrupur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Kumar, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 407, 409, 419, 420, 34 of the Indian Penal Code.

Prosecution case is that as per FIR named accused/dealers of Bihar State Mining Corporation Limited lifted sand under invoice from the stock but G.P.S. monitoring discloses that the said sand was delivered somewhere else in place of its attached address and in this way, they are alleged to have misappropriated sand.

Learned counsel for the petitioner submits that the petitioner is an authorized dealer of Bihar State Mining Corporation Limited. Regarding lifting and delivery of sand in question a notice was issued to the authorized dealers including the petitioner on 18.12.2017, regarding which a reply was submitted on 19.12.2017



stating therein that regarding order dated 12.12.2017, that sand was not delivered which may be enquired from the department despite that the present FIR was lodged. The sand in question was lifted by the petitioner on 25.12.2017 regarding order dated 12.12.2017 vide invoice No. D121700945 which was to be delivered at R.P.S. More Radhinath Path, Patna and it was accordingly delivered at its destination on 26.12.2017 to Atulesh Kumar, which is enclosed at Annexure-4 of the bail petitioner. The petitioner has no criminal antecedent.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Danapur in connection with Rani Talab P.S. Case No. 239 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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