

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82343 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- DHURAIYA District- Banka

Badal Kumar Bharti, S/o Vijay Kant Mandal, R/o village- Gachia Basbitta,
P.S.- Dhoraiya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-12-2019 This application has been filed for quashing the part of the order dated 13.06.2019 passed by the learned Additional Sessions Judge-I, Banka in A.B.P. No. 705 of 2019 arising out of Dhoraiya Case No. 44 of 2019, by which, he has granted anticipatory bail to the petitioner subject to a condition to deposit of loss and fine amount in accordance with law.

The present F.I.R. has been lodged by A.S.I on a secret information that some trucks loaded with sands at Balu Ghat and also seized one Apache Motorcycle , as such a case has been lodged. Later on, it transpires that motorcycle belongs to the petitioner, as such, he has also been made accused in this case.

It further appears that petitioner moved for grant of anticipatory bail before the learned Additional Sessions Judge-I, Banka, who vide order dated 13.06.2019 granted anticipatory bail to the petitioner with condition to deposit of loss and fine amount in accordance with law.



Submission of learned counsel for the petitioner is that he is not the owner of the truck. Nothing has been seized from his motorcycle and as such, putting a condition to deposit of loss and fine amount in accordance with law amounts to his consideration prior to trial, as such, the learned Addl. Sessions Judge-I, Banka has exceeded his jurisdiction.

Heard learned APP also, who has opposed this application.

Having heard both sides, in view of the facts, as stated above, this application is allowed. The impugned order dated 13.06.2019 passed by the learned Additional Sessions Judge-I, Banka to the extent of “subject to the condition to deposit of loss and fine amount in accordance with law” shall be considered to be deleted from that order.

This order be communicated to the concerned Court at once.

Petitioner is directed to surrender before the court below within a period of four weeks from the date of receipt of certified copy of this order.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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