

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15662 of 2020

Arising Out of PS. Case No.-285 Year-2019 Thana- KHARIK District- Bhagalpur

1. Daresh Singh, aged about 42 years (Male), S/o Late Boudhi Prasad Singh @ Boudi Singh, Resident of Village- Athagama (Ambho), P.S.- Kharik, Distt- Bhagalpur.
2. Sushil Singh, aged about 27 years (Male), S/o Late Boudhi Singh @ Boudhi Prasad Singh, Resident of Village- Athagama (Ambho), P.S.- Kharik, Distt- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ashok Kumar Jha, Advocate.
For the Opposite Party : Mr.Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 353, 379, 411 of the IPC and 7 of the E.C. Act.

The prosecution story, in brief, is that from the gate of the *Katchra Godown* of Daresh Singh (petitioner no. 1), a blue colour plastic Jerry Cane containing about 50 liters diesels and



other articles including pipe and container to measure the oil were seized.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The Tanker from which diesel was being unloaded was parked in front of the shop of the petitioners. The petitioners had nothing to do with the alleged Tanker. It is further submitted that the petitioners are ready to deposit an amount of Rs. 20,000/- (Rupees Twenty Thousand Only) jointly in the learned court below which shall be subject to result of the case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners are directed to deposit an amount of Rs. 20,000/-(Rupees Twenty Thousand Only) jointly in the learned court below which shall be subject to result of the case. On doing so, let the, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the



learned S.D.J.M. Naugachia, Bhagalpur, in connection with Kharik P.S. Case No. 285 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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