

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26975 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- KOCHAS District- Rohtas

ANIL PANDEY @ ANIL KUMAR PANDEY Son of Sri Girish Narayan
Pandey Resident of village - Ghewada, P.S. - Kochas, District - Rohtas at
Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27691 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- KOCHAS District- Rohtas

JAY KUMAR YADAV SON OF RAJGRIHI YADAV @ RAJGRIH YADAV
R/O VILLAGE- BASANTPUR, P.S.- ARA (MUFFASIL), DISTRICT-
BHOJPUR AT ARA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26975 of 2022)

For the Petitioner/s : Mr.Babu Nandan Prasad, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 27691 of 2022)

For the Petitioner/s : Mr.Babu Nandan Prasad, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within



stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 379/411/420/120(B) of the Indian Penal Code.

Allegedly, 5300 litres of milk has been recovered from a Tanker. It is alleged that under a conspiracy, the named accused persons including the petitioners have stored the milk illegally in the Tanker.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case on grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Petitioner Anil Pandey was a Guard and petitioner Jay Kumar Yadav was a contractual labour in the said *Dugdh Sheetak Kendra*, Kochas. They had no duty to check the milk coming out from the plant or aware of the fact that the milk carried by the Tanker is authorized or unauthorized and were not responsible for the unauthorized transportation of milk. It is further submitted that even the arrested driver of the Tanker and milk purchaser have not taken the name of petitioners in their statement recorded u/s 161



Cr.P.C. It is further submitted that the informant, who is Assistant Technical Officer, Milk Chilling Centre, Kochas has already been suspended by the Authority concerned on 23.03.202 (Annexure-3 of this application). They have no concern with the seized Tanker. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the allegation is general and omnibus in nature, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Kochas P.S. Case No.37 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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