

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30698 of 2022

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

1. BRAJESH KUMAR S/o Lakshman Singh R/o village- Larpurwa, P.S.- Mohania, District- Kaimur
2. Saroj Kumar S/o Ram Kishan Singh R/o village- Mahalbania, P.S.- Udwantnagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Senior Advocate
Mr. Rajesh Kumar, Advocate.
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-09-2022 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 three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

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

Alleged, 5300 litres of milk has been recovered from a Tanker. It is alleged that under a conspiracy, the name 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. Petitioners were guard. They had not 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 the 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 23.03.2022. They have no concerned with the seized Tanker. Petitioners have no criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case,



since the allegation is general and omnibus in nature, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

Ajay, devendra/-

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