

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47486 of 2023

Arising Out of PS. Case No.-315 Year-2023 Thana- TAJPUR District- Samastipur

1. MANOJ RAY @ MANOJ KUMAR S/O RAM BALAK RAY R/O VILLAGE- MOTIPUR, PS. TAJPUR, DIST. SAMASTIPUR
2. DILIP RAY S/O BIJA RAY R/O VILLAGE- KESHOPUR, PS. SAKRA, DIST. MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Tajpur P.S. Case No. 315 of 2023 for the offence registered under Sections 414, 420 and 120B of the Indian Penal Code lodged on 07.06.2023 by the informant, Arun Kumar.

As per the prosecution story, the police seized four Indian Oil Tanker bearing Registration NO. BR-09H-4724, BR-33B-7000, BR-1G-7700 and NL-08D-2788 and the direction of the SDM concerned, the Block Supply Officer has inspected the



aforesaid oil tanker found that 10500 litres K.Oil in tanker bearing registration no. NL -08D-2788, 9000 liters K.Oil in tanker bearing registration no. BR-33B-7000 and 9300 liters K.Oil was found in the tanker bearing registration no. BR-1G-7700. Accordingly, the FIR.

It is the case of the petitioners that so far as petitioner no. 1 is concerned, he is owner of the '*Dharam Kanta*' while the petitioner no. 2 is the owner of empty tanker and as per the prosecution itself, there was no K. Oil in the said tanker. The further case is that the said recovery/seizure is outside the '*Dharam Kanta*'. The last submission is that irrespective of the outcome of the present petition, the petitioner intends to pay Rs. 25,000/- through Demand Draft issued by the local State Bank of India branch in favour of Bihar State Legal Services Authority.

Learned APP for the State opposes the prayer for bail stating that huge quantity of K.Oil has been recovered/seized.

Considering the aforesaid submissions put forward by the learned counsel for the petitioners which reflects from the FIR itself that the seized/recovery is outside the '*Dharam Kanta*' and so far as petitioner no. 2 is concerned, was an empty tanker as also both the petitioners do not have criminal antecedent, this Court is inclined to extend the privilege of anticipatory bail



subject to payment of Rs. 25,000/- as stated above.

Let the petitioners, in the event of their arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Samastipur in connection with Tajpur P.S. Case No. 315 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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