

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47027 of 2014

Arising Out of PS.Case No. -8 Year- 2014 Thana -GOBARDHANA District- WEST
CHAMPARAN (BETTIAH)

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Om Prakash Mahto Son of Late Parmeshwar Mahto, Resident of Village
Manchangwa, Police Station Gobardhana, District West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2. 03-03-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in Gobardhana P.S.
Case No. 08 of 2014 dated 20.03.2014 instituted under
Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner submits that
though as per the allegation from the P.D.S. shop of the
petitioner 2.78 quintals of wheat were found short and out of
that there was alleged recovery of 1.25 quintals of wheat from
one Chhotelal Sah, but the allegation is misconceived and
erroneous. It is submitted that the Investigating Officer has
found that there was no shortage but only on the basis of the
report of the Sub Divisional Officer, the chargesheet has been
submitted. It is submitted that an agriculturalist has stated
under Section 164 of the Code of Criminal Procedure,

1973 before the Court that he had sold 1.25 quintals of wheat to the said Chhotelal Sah. Learned counsel submits that the petitioner having clean antecedent is in custody since 01.10.2014.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bagaha, West Champaran in Gobardhana P.S. Case No. 08 of 2014. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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