

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18822 of 2015

Arising Out of PS.Case No. -131 Year- 2014 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

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Deo Narayan Singh, son of Late Sobhan Singh, Resident of village- Uttari
Usaini, P.S. Dumariya Ghat, District - East Champaran at Motihari.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. S.B.K.Manglam, Adv.

For the Opposite Party/s : Mr. Pushkar Narain Shahi, AAG10

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

6 03-09-2015 Heard learned counsel for the parties.

The petitioner facing prosecution for offence under section 7 of the E.C.Act had tried this Court to believe that there was no anomaly in distribution of foodgrains in capacity of his being a fair price shop dealer.

This Court had also prima facie believed the version of the petitioner but then it had given an opportunity to the petitioner to substantiate his claim by appearing before the Sub-divisional Officer, Chakia being the licensing authority. For this purpose the petitioner was also given an interim protection in the order dated 17.6.2015.

What thereafter has happened and for which an affidavit by both the parties have been filed will not auger well for the petitioner because if this Court would put the petitioner under



inquiry under section 340 Cr.P.C., it will be very difficult for him to prove his case inasmuch as the informant will not be required to prove the negative. The question infact will be only of receipt of the copy of the order of this Court dated 17.6.2015 in the office of S.D.O., Chakia and the petitioner has no written proof of such receipt. His mere saying that he had gone to the office of the Sub-divisional Officer, who was absent and thereafter he had handed over the same to the Peshkar cannot be proved by him, specially when the Peshkar has given a categorical statement to the Sub-divisional Officer that he had never received such order of the Court from the petitioner.

This being the behaviour and conduct of the petitioner where he wanted to also suppress his own version with regard to accounting of the Government foodgrains given to him for distribution in capacity of the fair price shop dealer and there also being a clear report of the Sub-divisional officer showing prima facie materials of misappropriation, this Court will not be inclined to grant privilege of anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner is, accordingly, rejected.

The petitioner therefore must surrender and make a prayer for regular bail which of course shall be decided on its own merits

without being prejudiced in any manner by anything said in this order.

Personal appearance of Mr. Chitragupta Kumar, Sub-divisional Officer, Chakia is dispensed with.

Let a copy of this order be sent to the Court below forthwith.

(Mihir Kumar Jha, J)

surendra/-

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