

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17733 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -MURLIGANJ District- MADHEPURA

Nitya Nand Yadav, Son of Sri Ghyani Prasad Yadav, Resident of Village -
Brindaban, P.S. - Murliganj, District - Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.22168 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -MURLIGANJ District- MADHEPURA

Rajeev Kumar @ Rajeev Kumar Das Son of Mahendra Das Resident of
Village - Arar, P.S. Gwalpara, District - Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.17733 of 2015)

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate.

For the Opposite Party/s: Mr. Raj Kishore Pd. (App)

(In Cr.Misc. No.22168 of 2015)

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate.

For the Opposite Party/s: Mr. Aditya Narayan Singh - 1(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 23-07-2015 Heard learned counsel for the parties as with regard
to the allegation against the petitioners for offence under Section 7
of the Essential Commodities Act.

The petitioner, Nityanand Yadav (in Cr. Misc. No.
17733 of 2015) is the P.D.S. dealer about whom it was alleged in
the F.I.R. that 40 quintals of rice were, in fact, being taken away
through a tractor by the driver of the petitioner Rajeev

Kumar(petitioner in Cr. Misc. No. 22168 of 2015), who has disclosed the name of the petitioner Nityanand Yadav from whose shop the said rice was being taken to the house of Rajeev Kumar.

Mr. N.K.Agrawal, learned senior counsel appearing on behalf of the petitioner Nityanand Yadav, has basically relied on the inspection report of Block Supply Officer, Murliganj dated 13.02.2015 to contend that since the stock of the fair price shop of the petitioner Nityanand Yadav was found to be absolutely in order, therefore, the allegation of such rice being taken away from his shop cannot be said to have substantiated.

On the other hand, Mr. Dinesh Kumar Verma, learned counsel for the petitioner-Rajeev Kumar, who is the owner of the alleged tractor, has submitted that he was not found along with the consignment of rice and, therefore, the statement of the driver cannot be binding on him.

This Court, taking into account the aforesaid facts and the fact that the petitioners have no criminal antecedent, would be inclined to grant privilege of anticipatory bail to the petitioners.

That being so, if the petitioners, namely, Nityanand Yadav and Rajeev Kumar @ Rajeev Kumar Das surrender before the court below within a period of four weeks from today, they



shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S.Case No. 16 of 2015; subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.
- (iv) That the petitioners will be well represented

on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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