

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37758 of 2015**

Arising Out of PS.Case No. -83 Year- 2014 Thana -CHAPRA TOWN District- SARAN

- =====
1. Binit Kumar @ Hareshwar Kumar Sinha S/o Late Bindeshwari Prasad
  2. Umesh Mallik S/o Late Rajdeo Lal
  3. Rajesh Kumar Singh @ Rajesh Singh S/o Krit Singh

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Sangita Sharma (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

2 18-09-2015

Heard learned counsels for the petitioners and the State.

The petitioners being the owner, manager and the salesman of petroleum dealership are apprehending arrest in a case registered for the offences punishable under Sections 419, 420, 409, 427/34 of the Indian Penal Code, 5/26 of the Petroleum Act, 1934, order 7 of the Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 and 7of the Indian Essential Commodities Act.

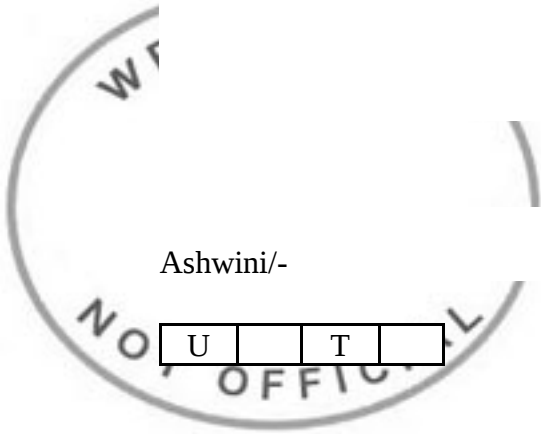
The prosecution case is that 35 litres diesel was taken from the petroleum dealership of the petitioners by the driver of the Rivilganj police station, but subsequently, the vehicle got struck when the informant found that the diesel supplied by the petitioners' petroleum dealership was mixed with water.



It is submitted by learned counsel for the petitioners that there is nothing on record to suggest that the vehicle got struck due to supply of the diesel mixed with water. The dealership, in question, has been supplying fuel to the government department since last several decades. Subsequently, the diesel supply unit of the petitioners was sealed by the authorities but the same was unsealed on the request of the Officer I/c Chapra (Town) police station. It is further submitted that the FIR was lodged with malicious accusation since the salesman of the petroleum dealership refused to make part payment of cash to the driver and supply less quantity of diesel than the quantity for which the coupon was issued. This fact gets corroborated with letter dated 14.03.2014 issued by the Superintendent of Police, Saran to all inspectors and Officers I/c of police station to ensure filling up of hundred ten litres of fuel each month in each vehicle and in no case cash can be taken in lieu of allocated fuel nor any pressure for cash payment will be made on the petroleum dealership. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saran at Chapra in connection with Chapra Town P.S.

Case No.83 of 2014, subject to the conditions as laid down under  
Section 438(2) Cr.P.C.



**(Dinesh Kumar Singh, J)**