

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45335 of 2014

Arising Out of PS.Case No. -297 Year- 2014 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Ajay Kumar Yadav Son of Nawal Kishore Yadav Resident of Village-
Pathari Ghat Hospital Road, Bettiah, P.S.-Bettiah Town, District-West
Champaran.

.. Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 30-07-2015

The petitioner was shown as an accused along with others in Bettiah Mufassil PS Case No. 297 of 2014, wherein offence punishable under Section 7 of the Essential Commodities Act was alleged.

Apprehending his arrest, the petitioner filed ABP No. 1063 of 2014 in the court of Sessions Judge, West Champaran at Bettiah. The same was rejected on 28.10.2014.

Hence this application.

Heard learned counsels for the petitioner and the learned A.P.P.

The record discloses that rice meant for mid-day meal scheme was recovered from the shop of one Murari Prasad. The driver of the vehicle transporting the rice, one Moti Sah, is

said to have stated that he brought the rice on the instruction of the petitioner. It is not even alleged that the petitioner has the custody of the rice or that he is connected in any way with the school in which the scheme was to be implemented.

Under the circumstances, it is not necessary that the petitioner must be arrested. Hence this application is allowed.

It is directed that in the event of his arrest or surrender, the petitioner, namely, Ajay Kumar Yadav, shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Mufassil IPS Case No. 297 of 2014, subject to the conditions as laid down under Section 438(2) CrPC.

(L. Narasimha Reddy,CJ)

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