

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50286 of 2015

Arising Out of PS.Case No. -103 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Sunil Kumar S/o Basudeo Prasad of VII- Kuawa, P.S. Chakia, Dist- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 06-11-2015 Heard Mr. Sangeet Deokuliar, learned counsel for the
petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Madhuban P.S.Case No. 103 of 2015 registered under Section 7 of
the Essential Commodities Act.

The informant intercepted two trucks loaded with wheat
bearing FCI marked. The driver disclosed that the wheat was
being delivered to one Sanjay Modi. The informant has alleged
that accused person in collusion with the Manager of Food
Corporation of India godown had committed the offence and
diverted the wheat, which was to be distributed to PDS dealer
amongst the original Card Holders/ Villagers.



The contention of the learned counsel for the petitioner is that he is not named in the FIR. The Assistant Godown Manager reported about forcibly taking possession of the truck by some anti social elements. Considering the above, some other accused persons, similarly situated, have been granted privilege of bail. He has placed for perusal of order dated 14.10.2015 passed in Cr. Misc. No.43995 of 2015 and order dated 28.07.2015 passed in Cr. Misc. No. 30506 of 2015.

Considering the aforesaid, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of four weeks from today, 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 learned S.D.J.M., Sikarahana at Motihari, East Champaran, in Madhuban P.S.Case No. 103 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed

in the court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the trial court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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