

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2646 of 2016

Arising Out of PS.Case No. -135 Year- 2007 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Ram Jiwan Baitha S/o Hira Lal Baitha Resident of Village - Murtiya, P.S.
- Adapur, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 18-01-2016 Heard learned counsels for the petitioner and the

State.

The petitioner being husband of the Panchayat
Mukhia is apprehending arrest in a case registered for the offences
punishable under sections 406/34 of the Indian Penal Code.

It is alleged that 100 bags of wheat were recovered
from the tractor which broke down while carrying the same when
it was suspected that it was being transported at the behest of the
petitioner being husband of the Panchayat Mukhia for black-
marketing. The said wheat was supplied for the flood victims.

It is submitted by the learned counsel for the
petitioner that the case was registered on 24.9.2007 but

subsequently final form was submitted as mistake of fact, thereafter differing with the final form cognizance was taken in 2011.

Considering the fact that the case was registered in 2007 and the petitioner was named in the FIR, this court is not inclined to interfere in the matter. However, keeping in view the fact that the petitioner was not sent up for trial and differing with the final form cognizance was taken, it is a case for consideration of the prayer for regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with Adapur P.S. Case No. 135 of 2007 pending in the court of learned JM Ist Class, Raxaul at Motihari, East Champaran.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

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