

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6003 of 2016

Arising Out of PS.Case No. -59 Year- 2014 Thana -KHUTAUNA District- MADHUBANI

1. Kapileshwar Ram @ Kapleshwar Ram Son of late Bilat Ram, resident of Village- Kushamar, P.S.- Phulpras, District- Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH  
ORAL ORDER

2 23-02-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Khutauna Police Station Case No. 59 of 2014, disclosing offences under Section 7 of the Essential Commodities Act.

The police is said to have seized 11 bags of wheat and 15 bags of rice, loaded on a Bolero Pick-up van. Thereafter, in order to enquire as to from where the said food grains were procured, all nearby shops of P.D.S. Dealers were raided by the concerned Block Development Officer and the Station House Officer of the concerned Police Station. Their registers were found to be in order.

Accordingly, First Information Report came to be registered against unknown.

It is submitted on behalf of the petitioner that on the basis of some vague statement of the villagers in course of investigation, name of this petitioner, who is a P.D.S. Dealer, cropped up. Over and above the said material, there is no other material to connect the petitioner with the food grains seized by the Block Development Officer and the Station House Officer. It has been stated in paragraph 3 of the application that the petitioner has no criminal antecedent.

Considering the submission, as above, this application is allowed.

Let the petitioner, Kapleshwar Ram @ Kapileshwar Ram, in the event of his arrest or surrender before the Court below within six weeks, 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 Sri D. Kumar, learned Judicial Magistrate, 1<sup>st</sup> Class, Jhanjharpur, Madhubani, in connection with Khutauna Police Station Case No. 59 of 2014, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the

petitioner shall present himself before the police/Court, as the same may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J.)**

Prabhakar Anand/-

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