

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21955 of 2016

Arising Out of PS.Case No. -90 Year- 2016 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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Dara Singh @ Ramnuj Singh @ Anuj Kumar son of Kashi Mahto resident
of Village- Dausachak, P.S- Giriyak, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Prasad, Advocate.

For the Opposite Party : Mr. Gopesh Kumar(APP)

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH**

ORAL ORDER

2 23-05-2016

The petitioner apprehends his arrest in relation to

Giriyak P.S. Case No. 90 of 2016 registered under Sections 7 of
Essential Commodities Act.

This Court is surprised as to how F.I.R. was
instituted in the present case and further at the attitude of the
learned Judge rejecting the anticipatory bail application. The
allegation is in relation to an offence under Section 7 of the
Essential Commodities Act, giving rise to Giriyak P.S. Case No.
90 of 2016 under Section 7 of the Essential Commodities Act, the
police alleges that during the night patrolling, he found some
people taking out milk from the tanker and loading it in smaller
drum. On seeing the police they ran including the petitioner. How
is it an offence under Section 7 of the Essential Commodities Act
is anybody's case, which is an order issued under E.C. Act that is
being violated is not mentioned. The learned Judge, who rejected

the anticipatory bail application was equally ignorant about the facts and the law, still he chose to reject the application, which is very unfortunate. From the order of the learned A.D.J.-3rd, Bihar Sharif, Nalanda all that can be made out case that the learned Court was impressed that some offence had been committed as the miscreants ran away, seeing the police. Such an approach is not satisfactory and does not speak well about the officer concerned.

Be that as it may, in the event of his arrest/surrender before the court below within four weeks, let the above named petitioner namely Dara Singh @ Ramnuj Singh @ Anuj Kumar be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Bihar Sharif, Nalanda in connection with Giriyak P.S. Case No. 90 of 2016, subject to conditions laid down under Section 438(2) of the Code of Criminal Procedure.

Let the order of this Court be placed before the learned A.D.J.-3rd Bihar Sharif, Nalanda.

(Navaniti Prasad Singh, J.)

Amit/Rajiv

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