

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38044 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -DUMARIA District- GAYA

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Shyam Sunder Prasad, son of Late Rameshwar Prasad, resident of Village -
Kolhubar, P.S. - Dumaria, District - Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Thakur, Advocate
Mr. Nilesh Kumar, Advocate

For the Opposite Party : Mr. Madhura Nand Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-09-2016 Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with Dumaria
P.S Case No. 48 of 2016 registered for the offences punishable
under Section 420 of the Indian Penal Code and Section 7 of
Essential Commodities Act.

Allegedly, 14 quintals of *Arwa* rice was recovered
which was kept in 28 bags from a Pick-up Van. It is alleged that
the petitioner being a P.D.S. dealer was going to sale the same in
black marketing, but due to intervention of the members of
Jeevika, Pick-up Van was surrounded and then police was
informed.

Submission is of false implication due to dirty village

politics, no shortage of any kind was found in the shop of the petitioner, the petitioner is an old man aged about 69 years and he is suffering in custody since 04.07.2016. Villagers of village Kelhuwar have filed a petition regarding innocence of the petitioner before the S.D.P.O., Sherghati, Gaya, and as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering the age of the petitioner and further his detention now, he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sherghati, arising out of Dumaria P.S. Case No. 48 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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