

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40121 of 2016

Arising Out of PS.Case No. -152 Year- 2016 Thana -BIHTA District- PATNA

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Kishun Rai S/o Late Bisun Rai, Resident of Gokulpur, Korhar, P.S.- Bihta,
District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Usha Kumari Singh, Advocate

For the Opposite Party : Mr. Sri Shailendra Kumar -2, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-10-2016 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends arrest in Bihta P.S.Case No.152 of
2016 for the offences alleged under Sections 290, 379, 414, 420,
427, 120(B) and 34 of the IPC and Section 7 of the Essential
Commodities Act.

The prosecution case is that the informant Deepak
Kumar who is SI of Bihta P.S gave a written report to SHO of the
said P.S. stating therein that on 25.02.2016 at about 18.20 P.M.,
the informant received a confidential information that diesel and
other things have been stored in the house of Kishun Rai., as such,
he along with other police personnel reached there and on enquiry
came to know that one Amit Kumar has kept illegal diesel in the

house of one Kishun Rai. The informant then searched the house of Kishun Rai and recovered 800 liters of diesel and other articles and accordingly a seizure list was prepared in presence of two independent witnesses.

It has been submitted by learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that he has no criminal antecedent as is evident from paragraph-3 of this application and no case under section 7 of the Essential Commodities Act is made out against him as he is not a PDS dealer. It has further been submitted that allegation is upon one Amit Kumar who in connivance with the tank driver of trucks and lorries used to take out diesel and petrol illegally. He submits that petitioner has been implicated only on the basis of presumption and suspicion.

However, learned APP for the State submits that the petitioner is named in the FIR, hence, opposes the prayer for bail.

Be that as it may since the petitioner has been implicated on the basis of suspicion and that he has no criminal antecedent, let the above named petitioner in the event of his arrest or surrender before the learned court below within a period of eight 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 Additional Chief Judicial Magistrate,
Danapur, Patna in connection with Bihta P.S.Case No.152 of
2016, subject to the conditions as laid down under Section 438(2)
of the Cr.P.C.

(Nilu Agrawal, J)

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