

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16371 of 2016

Arising Out of PS.Case No. -88 Year- 2000 Thana -SURSAND District- SITAMARHI

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1. Mahendra Prasad Yadav Son of Late Ram Ashish Rai, Resident of Village- Mahmood Chak, Police Station- Naya Gaon, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan

For the Opposite Party/s Mr. Gauri Shankar Gupta (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 27.04.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections 467, 468,406, 408, 409, 420, 120B, 109 of the Indian Penal Code as well as section 7 of the Essential Commodities Act.

The accusation against the petitioner is that being BDO, Sursand from August, 1998 to July, 2000, he did not perform supervisory work and facilitated PDS shop dealers to sell foodgrains in black-marketing whereas foodgrains lifted by PDS dealers were meant for those persons who were below poverty line.

The contention on behalf of the petitioner is that the petitioner did his work properly and even if the prosecution story assumed to be true, then also, petitioner is not solely responsible for any illegality and irregularity and having more or less similar allegation several accused persons including predecessor of the

petitioner who worked as BDO, Sursand from 1997 to July, 1998 have already been granted privilege of bail.

It is further pointed out by him that the petitioner approached this court for grant of anticipatory bail but this court directed the petitioner to surrender before the court below and make prayer for regular bail and in compliance of the aforesaid order, petitioner surrendered before the court below and prayed for regular bail but his prayer was rejected.

Moreover, petitioner is in jail custody since 11.2.2016.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Pupari, Sitamarhi in Sursand P.S. Case no. 88/2000.

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(Hemant Kumar Srivastava,J)

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