

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24023 of 2016

Arising Out of PS.Case No. -106 Year- 2016 Thana -BELAGANJ District- GAYA

- =====
1. Upendra Kumar son of Late Mahesh Prasad Resident of village - Belaganj, Police Station - Belaganj, District - Gaya.
 2. Ashok Kumar son of Sri Umesh Singh resident of village - Dadpur, P.S. - Belaganj, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Sinha &
Mr. Binay Kumar

For the Opposite Party/s : Mr. Binod Kumar-III(App)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 31-05-2016

Heard the parties.

The petitioners seek bail in a criminal prosecution registered under Sections 406 and 420 of the Indian Penal Code as also under section 7 of the Essential Commodities Act.

Though, the petitioners, are named in the first information report vide Annexure-1 as accused persons and there is allegation of recovery of 299 quintals of rice, which was allegedly belonging to the Bihar State Food and Civil Supplies Corporation and was kept there for selling in black market, but taking into consideration the fact that the petitioners are said to be the business men and were issued licenses for running a rice mill and further taking into consideration the fact that the petitioners are said to be the first offenders, as asserted in paragraph 3 of the bail petition and they are in judicial custody since 13.04.2016, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of bail.

Let the above named petitioners be released on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) each with two sureties of the like amount each to the

satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Belaganj P.S. Case No. 106 of 2016 subject to the conditions that :

(A) one of the bailors must be the government servant.

(B) the other bailor shall be either their family members or close relation of the petitioners who will file an affidavit in the court below showing his/her relationship with the petitioner,

(C) if the petitioners are found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail bonds of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and

(D) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

Amin/-

(Birendra Prasad Verma, J)

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