

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44288 of 2015

Arising Out of P S.Case No. -131 Year- 2015 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

1. Ramayodhya Bhagat S/o Late Jaimangal Bhagat, resident of village-
Kadergawan, P.S.- Kotwa, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Madhuranand Jha (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Kotwa P.S.Case No. 131/2015 registered for offences punishable
under Sections 420, 467, 468, 120 (B) of the Indian Penal Code
and under Section 7 of the Essential Commodities Act.

The prosecution case as lodged by the Block
Development Officer, Kotwa on the basis of the confidential
information received on 29.06.2015 at 01.15 A.M., a raid was
conducted at Angan- bari Kendra No. 60 of village Koirgawan
where Subodh Kumar and Nandlal Kumar were allegedly seen
transferring subsidized rice from one bag to another Jute bag and



plastic bags for the purpose of black-marketing. The seizure list that was prepared showed that 16 bags of jute bag containing 7.56 quintals of rice and 27 bags of plastic bags containing 21.24 quintals of rice taking the tally to 28.80 quintals of rice. The list of seized items also included inverter and 12 volt battery which were used for weighing and a sewing machine. The apprehended persons submitted a written report stating therein that the rice belonged to the P.D.S. dealer Ram Ayodhya Bhagat and Shail Devi and that they were the ones, who had ordered them to perform such an act.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and his name has been implicated due to mere suspicion. It has also been submitted that he has no criminal antecedent, as is evident from para-3 of this petition.

Furthermore, learned counsel for the petitioner submits that it is only confessional statement of the co-accused, the name of the petitioner, who is a P.D.S. dealer has surfaced but the petitioner has not been found to be caught for black marketing, neither the aforesaid articles were recovered from his P.D.S. shop.

Learned A.P.P. for State however submits that the said accused persons, who were caught during raid, have named

the petitioner.

Be that as it may, in case of arrest or surrender within a period of six weeks from today before the Court below, let the above named petitioner be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P. S. Case No. 131/2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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