

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44606 of 2015

Arising Out of PS.Case No. -70 Year- 1999 Thana -DARIYAPUR District- SARAN

Dharamnath Singh, Son of Late Ram Raj Singh, R/o Village Barka Banya,
P.S. Dariyapur, District Saran (Chapra), P.D.S. Dealer, Village Barka
Banya, Panchayat Barka Banya, P.S. Dariyapur, District Saran Chapra

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate

For the Opposite Party/s : Mr. Murlidhar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-02-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner apprehends arrest in connection with
Dariyapur P.S. Case No. 70/99 for offences alleged under Sections
420 and 467 of the Indian Penal Code and Section 7 of the
Essential Commodities Act.

The prosecution case is that the Block Supply
Officer, Dariyapur filed a written complaint before the Station
House Officer, Dariyapur Police Station alleging that the
petitioner and others being the PDS dealer lifted food-grains from
SFC godown and did not distribute it properly amongst the
consumer nor has any information regarding the same been given
to any official of Supply Department at the time of distribution of

food-grains. During physical verification shop of this petitioner and of other co-accused except one were found closed.

It has been submitted by the counsel for the petitioner that he is innocent and has not committed any offence. It has further been contended that the fair price shop is in the name of his wife Leela Devi, which is evident from the statement of the witnesses at Paragraphs 222, 223, 224 of the case diary. Learned counsel for the petitioner further submits that the petitioner is the Chairman of the PACS and not concerned with the P.D.S. shop. Counsel for the petitioner points out paragraph 105 of the case diary that way back on 08.01.2001, during investigation, the statement of the beneficiaries had to be recorded, but up till now no statement has been recorded. It has also been submitted that petitioner has no criminal antecedent, as is evident from Paragraph 3 of this petition.

Learned APP, however, submits that the complicity of the petitioner and others has been found but one Assistant Manager Lal Babu Singh, has been granted the privilege of bail way back on 08.03.2000.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, 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 Chief Judicial Magistrate, Saran at Chapra, in connection with Dariyapur P.S. Case No. 70/99, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

U		T	
---	--	---	--