

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23934 of 2016

Arising Out of PS.Case No. -183 Year- 2016 Thana -JAHANABAD District- JEHANABAD

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1. Sunil Choudhari, son of Sri Chhathu Chaudhari, Resident of Village- Dhangaon, P.S.- Jehanabad. District- Jehanabad.
 2. Mithilesh Kumar, son of Mundar Yadav resident of Village- Unta Madarpur, P.S.- Jehanabad, District- Jehanabad.
 3. Dinesh Kumar, son of Naresh Prasad, resident of Village- Sewnan P.S.- Karauna, O.P. District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

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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 Section 7 of the Essential Commodities Act.

Learned counsel for the petitioners submits that the petitioners are in judicial custody since 09.04.2016 and they are the first offenders. According to him the only allegation against them are that they were using L.P.G. for running their auto rickshaw.

Taking into consideration the nature of allegation against the petitioners as also the period of incarceration already undergone by them and also taking into consideration the fact that they are the first offenders, 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.25,000/- (Rupees twenty five

thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad P.S. Case No. 183 of 2016 subject to the conditions that :

(A) one of the bailors must be a government servant or close family members of the petitioners who will file an affidavit in the court below showing his/her relationship with the petitioners,

(B) 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 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 opportunity of hearing to all concerned, and

(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his 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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