

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38618 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -KASHICHAK District- NAWADA

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Krishsna Ballabh Chaudhary (Holder of license 23/2009), S/o Shri
Sukhdeo Chaudhary Resident of Village-Jagdishur, Police Station-
Shahpur (Out Post), District Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Premchandra Yadav, Advocate
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 420 of the Indian Penal Code and Section 7
of the E.C. Act registered in connection with Kashichak (Shahpur
O.P.) P.S. Case No. 34 of 2016.

3. It is submitted that the petitioner has been falsely
implicated on mere suspicion and solely on the confessional
statement of the co-accused Subodh Kumar, being the driver of the
vehicle in question from which 35 plastic sacks each containing
50 Kg. of wheat were recovered. The petitioner, a PDS dealer
denies any concern with the seized goods or the vehicle in
question. Two persons namely, Bhola Tanti and Sukhdeo
Choudhary have claimed ownership of the seized goods and have
applied for its release. The petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and
circumstances, in the event of the petitioner's arrest or surrender
before the court below within six weeks from the date of

communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Kashichak (Shahpur O.P.) P.S. Case No. 34 of 2016 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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