

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38288 of 2017

Arising Out of PS.Case No. -992 Year- 2009 Thana -PATNA COMPLAINT CASE District-
PATNA

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Mahesh Rai Son of Jammu Rai, R/o Village- Naya Panapur, Navdeyari,
P.S.- Akilpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Satya Rai Son of Late Uchit Rai, R/o Village- Naya Panapur, Navdeyari,
P.S.- Akilpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Sri Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 992(C)/2009 registered for the
offence(s) punishable under section(s) 406 of the Indian Penal
Code.

The complainant has alleged that the petitioner is a
PDS dealer and in course of business, he did not provide kerosene
oil and food grains as per the Scheme of the Government.

The learned counsel for the petitioner submits that the
allegation is completely vague. The complainant has alleged that
irregularity was committed during 2006-09 and after three years of



alleged irregularity, he has filed the complaint case. The petitioner is a villager of the complainant and for ulterior motive, he filed the complaint case.

Learned Additional Public Prosecutor on the other hand opposed the submission.

On perusal of the complaint petition it appears that the complainant has raised grievance against the petitioner as regards irregularity since 2006 and after three years of alleged irregularity, complaint case has been filed.

Considering the facts and circumstances, as stated above, this application is allowed.

Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of four weeks, 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 learned Additional Chief Judicial Magistrate, Danapur in connection with Complaint Case No. 992(C)/2009, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

Mahesh/-

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