

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48254 of 2017**

Arising Out of PS.Case No. -188 Year- 2017 Thana -FATEHPUR District- GAYA

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1. Binod Kumar Pandey son of Late Harihar Pandey, resident of Village-  
Paharpur, P.S. Fatehpur, District Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      06-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Fatehpur P.S. Case No.  
188 of 2017 instituted for the offence under Section-420 of the Indian  
Penal Code and 7 of Essential Commodities Act.

The petitioner is a PDS dealer. There is no previous  
complaint against him

In the written report, it is alleged that an inquiry was  
conducted in the PDS shop of the petitioner. The petitioner was not  
present in the shop. It is said that the stock register and sale register was  
not produced. List of beneficiaries was not given. It is further  
mentioned in the written report that during course of physical  
verification, 67 bags each containing 50 kg. wheat and 101 bags rice  
was found in the shop but due to non-production of stock register it was  
not compared by the member of the team. As such, there is general and



omnibus allegation against the petitioner.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Fathepur P.S. Case No. 188 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gaya subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Sanjay Priya, J)**

A.K.V./-

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