

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66348 of 2018

Arising Out of PS. Case No.-348 Year-2018 Thana- KISHANGANJ District- Kishanganj

1. Vishnath Prasad @ Vishwanath Sah, S/o Dwarika Sah,
2. Raju @ Raj Kumar Sah, S/o Dulichand Sah
Both residents of village-Baluwa Kaliaganj, P.S. Palasi, District-Araria.
3. Naushad @ Md. Naushad Alam, S/o Sirajul Haque, resident of village-Falsara, P.S. Palasi, District-Araria.
4. Riyaz @ Md. Riyazuddin @ Riyazuddin, S/o Anwar Ali, resident of village Bilayati Bari Karor, P.S. Palasi, District-Araria.
5. Hans Lal @ Hans Lal Sah, S/o Makhan Sah resident of village Chahatpur, P.S. Palasi, District-Araria.
6. Chechan @ Jalal son of Afjal resident of village Gopal Nagar, P.S. Palasi, District-Araria.
7. Afaque @ Md. Afaque S/o Nazamuddin, resident of village-Chahatpur, District-Araria
8. Jabul @ Jyaur Rahman @ Jyyore Rahman, S/o Jalalluddin resident of village-Chahatpur, P.S. Palasi, District-Araria. &
9. Istiyaque S/o Md. Ishak resident of village-Chahatpur, P.S. Palasi, District-Araria.

Anwar & Ors

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 120(B) of the Indian Penal Code and 7 of Essential Commodities Act.

The prosecution case, in brief, is that a truck loaded with



243 rice bags each containing 50 kg. of rice was apprehended. On demand, co-accused Shoib Alam failed to produce any document regarding seized rice.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The petitioners are not named in the FIR. The name of the petitioners has transpired in this case on the disclosure made by co-accused Shoib Alam. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioners in the present case. Petitioners are agriculturists. The allegation is that the petitioners had sold the rice in question to the co-accused.

On behalf of the State, it is submitted that the petitioners are not named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Kishanganj in connection with Kishanganj P.S. Case
No. 348 of 2018, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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