

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69667 of 2018

Arising Out of PS. Case No.-149 Year-2014 Thana- RAMNAGAR District- West Champaran

1. Rambabu Prasad, S/o Shambhu Sah.
2. Manoj Kumar @ Manoj Prasad Gupta, S/o Sahdeo Prasad Gupta,
Both resident of Village- Narainapur, P.S. Ramnagar, District-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 420 and 120 B of the
Indian Penal Code and Section 7 of E.C. Act.

It is alleged that 77 bags of rice was unloaded at the go-
down of one Chandrashekhar Puri and four bags of rice and five
bags of wheat were yet to be unloaded from the tractor, which
were seized. The grains were in process of being transported for
black marketing.

It is submitted by the learned counsel for the petitioner that
the grains were neither unloaded at the house of the petitioners
nor the petitioners are the owner of the tractor in question.



Petitioner No.1 is the brother of the owner of the tractor, whereas petitioner no.2 is the business partner of petitioner no.1. The seized grains has been released in favour of the PDS dealer. It is further submitted that only on suspicion, it was alleged that the seized grains was being transported for black marketing. A statement has been made in paragraph no.3 of the petition that petitioner no.1, Rambabu Prasad is accused in other six cases, out of which in three cases, he has been acquitted whereas in other three cases, he has been granted bail, whereas petitioner no. 2, Manoj Kumar is not having any criminal antecedent. It is further submitted that other co-accused has been granted bail by a co-ordinate Bench of this Court.

It is submitted by learned APP for the State that there is specific allegation against the petitioners.

Considering the nature of accusation, let the petitioner no.1 be granted provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bagaha, West Champaran, in connection with Ramnagar P.S. Case No. 149 of 2014, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

For next six months, the petitioner no.1 will be under watch of local police station.

The provisional bail of the petitioner will be confirmed by the learned court below if he will substantially not involved in any serious offence.

So far as petitioner no.2, Manoj Kumar @ Manoj Prasad Gupta, is concerned, since there is no specific accusation against petitioner no.2, coupled with statement made in paragraph no.3 of the petition that the petitioner no. 2 is not having any criminal antecedent, let the above named petitioner no.2, be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bagaha, West Champaran, in connection with Ramnagar P.S. Case No. 149 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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