

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53857 of 2018

Arising Out of PS.Case No. -153 Year- 2018 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

- =====
1. Janaki Sharan, Son of Late Ram Vinod Singh, resident of Village-Chatar, P.S.- Kako, District- District- Jehanbad at present posted as Assistant Godown Manager, B.S.F.C. Tnkuppa, Gaya.
 2. Sanjeev Kumar, Son of Sri Ray Bahadur Tanti, resident of Village/Mohalla- Thakurganj, Police Station- Thakurganj, District- Kishanganj, at present as Assistant Godown Manager, B.S.F.C., Bhusunda, Gaya.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Binay Kumar, Advocate.

For the Opposite Party : Mr. Chandrasen Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-10-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 120(B), 420/34 of the IPC and 7 of Essential Commodities Act, 1955.

The prosecution story, in brief, is that on 26.06.2018 in the evening, three (3) Trucks loaded with rice and wheat of F.C.I. was caught at Petrol Pump, East to Five (5) Number Gate on Bye Pass Road going to *Bhusunda* which were not unloaded on the fixed place and the same were found standing on Petrol Pump.



Seized grains had been kept with the assistance of the Truck owner for black marketing in the premises of Petrol Pump and the grains were for distribution among poor persons through P.D.S. Dealer.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioners are Assistant Godown Manager of Bihar State Food Corporation. The petitioners have been made accused in the present case due to mistake of fact. Respective godowns were inspected but no major discrepancy was found which is evident from Annexure-3 to the present application. It is further submitted that the petitioners are ready to deposit an amount of Rs. 1,00,000/- jointly (Rupees One Lac) in the learned court below which shall be subject to final disposal of the case.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, petitioners are directed to deposit an amount of Rs. 1,00,000/- jointly (Rupees One Lac) jointly in the learned court below which



shall be subject to final disposal of the case. On doing so, let the petitioners above named, in the event of arrest or 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 the learned Chief Judicial Magistrate, Gaya, in connection with Magadh Medical P. S. Case No. 153 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

