

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.552 of 2019

Arising Out of PS. Case No.-171 Year-2018 Thana- JANKINAGAR District- Purnia

Shivballabh Yadav, age about 39 years, sex-Male, son of Late Thakur Yadav
resident of Village- Binowagram, Laljee Mandal Tola, Ward No. 8, Police
Station- Jankinagar, District- Purnea.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Prasad, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 31-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 419 and 420 of the Indian Penal Code and
Section 7 of the Essential Commodities Act registered in connection
with Jankinagar P.S. Case No. 171 of 2018.

3. It is submitted that the petitioner has been falsely
implicated in connection with seizure of 37.50 quintals of rice seized
from the godown of the petitioner on the accusation that the same
was subsidized rice. It is submitted that the petitioner himself is a
farmer having 3 acres of agricultural land and also runs a retail price
shop for sale and purchase of rice from the farmer. It is submitted
that there is no material against the petitioner to support the
accusation that the rice in question was subsidized rice. The
petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest
or surrender before the court below within six weeks from the date of
communication of this order, let the above named petitioner be
released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of like amount each to the satisfaction of Mr. D. Prakash, learned Judicial Magistrate, 1st Class, Purnea in connection with Jankinagar P.S. Case No. 171 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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