

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23045 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- GOPALPUR District- Gopalganj

1. Jitendra Rai, aged about 42 years (Male), Son of Madhobeni Rai @ Madho Rai.
2. Madhobeni Rai @ Madho Rai, aged about 81 years (Male) Son of Late Shital Rai, All residents of Village-Kot Narahawan, P.S - Gopalpur, District Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Nagendra Rai, Mr. Navin Nikunj, Advocates
For the Opposite Party	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Section 7 of the Essential Commodities Act registered in connection with Gopalpur P.S. Case No. 25 of 2019.

3. It is submitted that the petitioners have been falsely implicated on the accusation that they used to sell nutritious food grains belonging to the State of UP in their Bathan. Petitioner no. 2 is a person of advance age of more than 80 years. Moreover, the alleged recovery has been made from the Bathan situated in UP & Bihar bordering area where vacant Bathans of other villages are also situated. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the



satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalpur P.S. Case No. 25 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iii) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

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

(Vikash Jain, J)

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