

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53159 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- DUMARIYA District- Gaya

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KAMTA PRASAD Son of Ramdeo Singh Resident of Village - Rajbalia, P.S.-
Dumariya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 10-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 7 of the Essential Commodities Act.

The show cause filed, in pursuance of order dated 16.11.2019, by the present Station House Officer of Dumariya Police Station is hereby accepted.

Allegation is that the petitioner, who was Headmaster of the referred school, was found carrying two bags of rice. It was suspected that the same was of the Mid Day Mill for the students. The villagers took the petitioner and the two bags of the rice to the police station and handed over to the police. Thereafter, the police station concerned recorded the same in the



Station Diary vide S.D. Entry No. 424 and asked the Block Education Officer to verify and take appropriate step. Simultaneously, the petitioner was allowed to go on execution of personal bond by the police. Thereafter, the Block Education Officer lodged the present FIR making the allegation that the petitioner was carrying two bags for selling the same in the black market.

Submission is that after institution of the FIR on suspicion, the petitioner has got apprehension of being arrested in this case, whereas the FIR has been lodged without proper verification of the stock regarding quantity of rice allotted for the purpose and the quantity consumed after allotment and the remaining stock available to ascertain the missing quantity.

Prayer for anticipatory bail is opposed on the ground that the petitioner was left by the police on P.R. bond, hence, the petitioner has no apprehension of arrest.

Since the petitioner was allowed to go after execution of P.R. bond prior to the institution of the FIR, hence, it cannot be argued that after institution of the FIR, the petitioner has no apprehension of being arrested in this case.

Considering the material available on the record which shows only suspicion, let the petitioner, above named, in



the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Dumariya Police Station Case No. 14 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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