

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.55882 of 2019

Arising Out of PS. Case No.-133 Year-2018 Thana- KHUTAUNA District- Madhubani

RAM BRIKSH MAHTO, aged about 22 years, Male, Son of Late Budhan Mahto, Resident of Village - Sikatiyahi ward no. 4, P.S.- Khutauna, Distt – Madhubani ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Adv.
For the Opposite Party : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Khutauna P.S. Case No. 133 of 2018 for the offences alleged under Sections 379, 411, 409 and 120B of the Indian Penal Code and 7 of the Essential Commodities Act.

The accusation is that one truck loaded with bags of rice of Food Corporation of India for distribution in the Public Distribution System Shop was being coming from Darbhanga got unloading from the truck at the house of one Manoj Kumar Singh, who conspired with the driver so that the bags of rice may be distributed in between the petitioner and the driver of the truck. Later on search, 82 bags of rice recovered from the house of co-accused, Manoj Kumar Singh, 6 bags of rice recovered from the house of co-accused, Ranjan Kumar Yadav, and 8 bags said to be recovered from the house of the petitioner. In fact, the rice bags recovered from the house of the petitioner is agricultural produce of the petitioner, which was kept in the



Food Corporation of India bag, which is easily available in the market, but, with ulterior motive, the petitioner has falsely been implicated in this case. Co-accused, Ranjan Kumar Yadav, has already been allowed privilege of bail in Cr. Misc. No. 18551 of 2019 on 06.05.2019. Petitioner has no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Khutauna P.S. Case No. 133 of 2018 shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge II-cum-Special Judge, Excise, Madhubani, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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