

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61139 of 2019

Arising Out of PS. Case No.-348 Year-2019 Thana- GARKHA District- Saran

Mahamaya Prasad Rai, Son of Late Butal Rai Resident of Village- Kasina,
P.S.- Garkha, District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 15-10-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Garkha P.S. Case No.348 of 2019, for the offence punishable
under Section 7 of Essential Commodities Act, 1955.

The allegation against the petitioner as per the First
Information Report alleging therein that during the course of
surprise inspection made by Addl. Collector, PDS shop of the
petitioner was also inspected and statements of consumers were
recorded and it was found that the consumers of Scheduled
Castes were given less quantity of grains and charging higher
prices and the petitioner managed in the stork register and
P.H.H. card.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case with oblique motive inasmuch as from perusal of inquiry report itself at Annexure-2, the statement of five consumers were recorded in which they have stated that they were not getting the foodgrains regularly every month whereas allegation in the First Information Report is that less amount of foodgrains on higher price was being given to the consumers. Learned counsel further submits that all the five persons whose names are there in the inquiry report have submitted their affidavit at Annexure 3 series duly sworn before the Executive Magistrate in which they have stated that they were getting the foodgrains regularly from the PDS shop of the petitioner.

Having regard to the submissions made by the parties and taking into consideration the fact that there appears to be a contradiction between the statement of the consumers, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Sub Divisional Judicial Magistrate, Saran at Chapra, subject to
the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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