

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60923 of 2019

Arising Out of PS. Case No.-475 Year-2019 Thana- KAHALGAON District- Bhagalpur

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1. AWADH KISHORE MANDAL, aged about 60 years, Male, S/o Late Prabhu Mandal, R/o village- Saitpur Kulkulia, P.S.- Kahalgaon, Distt.- Bhagalpur
 2. Pintu Kumar, aged about 23 years, Male, S/o Hira Lal Mandal, R/o village- Saitpur Kulkulia, P.S.- Kahalgaon, Distt.- Bhagalpur ... Petitioners

Versus

1. THE STATE OF BIHAR
 2. Manish Kumar, S/o Late Jawala Singh, Block Supply Officer, Kahalgaon, R/o Rajopuram Colony, Station Road, Sheikhpura, P.S.- Sheikhpura, Distt.- Sheikhpura ... Opposite Parties
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Appearance :

For the Petitioners	:	Mr. N.K. Agarwal, Sr. Adv. with Mr. Amresh Kumar Sinha, Adv.
For the Opposite Parties	:	Mr. Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Kahalgaon P.S. Case No. 475 of 2019 for the offences alleged under Sections 420 of the Indian Penal Code and 7 of the Essential Commodities Act.

The accusation is that on receiving secret information about parking of two trucks near Kua Pul, Kahalgaon, loaded with fair price shop rice bags, reached there, then, saw that 3 to 4 persons were unloading the sacks (bags). On seeing him they fled away. On search, 48 bags on truck bearing registration no. JH 02V 6103, 24 bags on truck, bearing registration no. JH 02K 1091, and 30 bags on tempo, bearing registration no. BR 10GB 1720, seized. While the informant was present there till the late evening, but, none come to claim the seized bags of rice,



thereafter, all the three vehicles were carried to Kahalgaon Police Station.

The submission of the learned counsel for the petitioners is that on the instructions of Neeraj Kumar Mandal, resident of Satipura, Kahalgaon, the trucks and tempo of the petitioners were hired for carrying the goods. Petitioners had no knowledge about loading of the food grains alleged to be of fair price shop. Neeraj Kumar Mandal had also filed an application for release of seized rice bags.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Kahalgaon P.S. Case No. 475 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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