

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2456 of 2019

Arising Out of PS. Case No.-107 Year-2018 Thana- PIPRAHI District- Sheohar

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Jagarnath Prasad @ Jagannath Prasad, Male, aged about 70 years, P.D.S.
Dealer, Son of Late Ramdhari Sah, Resident of Village- Piprahi, P.S.- Piprahi,
District- Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Kumod Kumar Shrivastaw, Advocate.
For the Opposite Party : Mr.Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
for the offence registered under Sections 406/34 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the Block
Development Officer, Piprahi submitted a written complaint on
28.07.2018 to S.H.O. against 24 P.D.S. dealers alleging therein
that these dealers were allotted some grains under Purna Village
Employment Scheme/grains against their work to distribute it
among needy people but they did not deposit the amount of sack
against which notices were sent to them. The Deputy
Development Commissioner, Sheohar, through his Letter



bearing No. 851 dated 07.06.2018 directed the informant to lodge F.I.R. against the named P.D.S. dealers and to recover the amount against sacks. The recoverable amount against the petitioner is Rs. 4422/- and he has been placed at Sl. No. 20 to the F.I.R.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. It is alleged that Rs. 4422/- was not deposited by the petitioner against the *Jute Bags*. It is further submitted by learned counsel for the petitioner that the said amount has already been deposited by the petitioner in the Government Account on 08.09.2018 vide Annexure-2 to the present application. Other co-accused persons have been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No.77734 of 2018 order dated 02.01.2019.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six



weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sheohar, in connection with Piprahi P.S. Case No. 107/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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