

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10294 of 2020

Arising Out of PS. Case No.-14 Year-2018 Thana- RANIYATALAB District- Patna

Devendra Sharma, Age about – 46 years, Gender – Male, Son of Krishnandan Singh @ Krishn Nandan Singh, Resident of Village- Dariapur Anant, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-06-2020 Heard Mr. Jagjit Roshan, learned counsel for the petitioner and Mr. Ram Sevak Choudhary, learned Additional Public Prosecutor appearing for the State through video conferencing.

The petitioner apprehends his arrest in connection with Rani Talab P.S. Case No. 14 of 2018 registered for the offence punishable under Section 406 & 420 of the I.P.C.

The allegation against the petitioner is that petitioner being the dealer of sand charged price in excess from the prescribed price from customers for sale of sand and did not reply to the show cause sought by the Chief Manager of Finance & Operation, Bihar State Mining Corporation Ltd.

Learned counsel for the petitioner submits that



petitioner has not committed any offence in the manner alleged inasmuch from perusal of the First Information Report it would be evident that the persons, from whom petitioner has allegedly charged excess price of sand have not made any complaint before the authority. Learned counsel further submits that petitioner did not receive any show cause notice. Learned counsel further submits that inquiry was conducted upon the show cause submitted by accused no. 1-Vinod Kumar and the finding of the Inquiry Officer was that no excess payment was charged from the customers. Learned counsel further submits that similarly situated co -accused has been granted bail by this court in Cr. Misc. No. 10414 of 2020.

Having regard to the submissions made by the parties and taking into consideration the fact that similarly situated accused person has been granted bail by this court, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur, Patna in connection with Rani



Talab P.S. Case No. 14 of 2018 , subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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