

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21474 of 2020

Arising Out of P.S. Case No.-56 Year-2020 Thana-Barhariya District-Siwan

=====

Harendra Rai, son of Late Bindeshwar Singh, resident of Village Manik Tola,
P.S. Barhariya, District Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Radha Mohan Singh
For the Opposite Party : Mr. Pancha Nand Pandit

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-07-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Barhariya P.S. Case No. 56 of 2020, disclosing the offence punishable under Sections 467, 468, 406, 420 and 120-B of the Indian Penal Code.

A representative of Siwan HP Gas Agency, Siwan is the informant. He has alleged in the FIR that it came to his knowledge that someone was running another HP Gas Agency in the town and was selling LPG to the consumers and allowing gas connections at cheap rate. Allegedly, the informant and Manager of another HP Gas Agency reached where the LPG was being supplied at lower price. When they demanded for



dealership agreement and licence etc., the persons present in the shop refused to disclose any. The informant learnt that it was a fake LPG agency and information in this regard was sent to the local administration. It is also alleged in the FIR that the informant and others learnt that it was Gulshan Singh who was running the shop. The petitioner is the landlord, who had allegedly rented the shop premises to said Gulshan Singh and he was also associated with Gulshan Singh in illicit trade of LPG.

Learned counsel appearing on behalf of the petitioner has submitted that he has been implicated only because he is the landlord of the shop premises in question which was rented out to the main accused Gulshan Singh. It has been argued that there is absolutely no material in the FIR, except a vague allegation, that the petitioner was also involved in the said illegal trade of LPG.

On perusal of the First Information Report, I find substance in submission made on behalf of the petitioner. This application is accordingly allowed.

Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the



satisfaction of learned Chief Judicial Magistrate, Siwan, in Barhariya P.S. Case No. 56 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is also indicated that defects, if any, shall be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.



(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

U			
---	--	--	--

