

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21889 of 2020

Arising Out of P.S. Case No.227 Year-2019 Thana-Birpur District-Supaul

=====

Karishma Kumari, female, aged about 45 years, wife of Roshan Kumar Rishideo, resident of Ward No.1, Balbhadrapur, P.S.- Birpur, District-Supaul, PDS dealer of Balbhadrapur Panchayat, Block- Basantpur having PDS license No.40/18.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate
For the Opposite Party : Mr. Akshai Lal Pandit, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 22-07-2020 Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. In spite of that, considering the extra-ordinary situation, filing of the present application has been allowed through email.

Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of



the application.

Heard Mr. Pramod Mishra, learned counsel for the petitioner and Mr. Akshai Lal Pandit, learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with Birpur P.S. Case No. 227 of 2019 registered for the offences punishable under Section 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

It is submitted by learned counsel for the petitioner that no offence as alleged has been committed in the present case. The first information report has been instituted due to malice, grudge and dirty village politics. The perusal of the first information report would itself disclose that the petitioner had distributed the ration to the beneficiaries and the beneficiaries have no complaint against her. The only allegation against the petitioner is that she had made entries of month of October, 2019 whereas she distributed the ration for the month of September, 2019. It is further contended that due to late supply of food grains for the month of September, 2019, the petitioner had distributed food grains for two months at a time and she made entries of both the months in the ration card of the beneficiaries. As far as the other allegation for closure of PDS



shop without pasting any notice, it is contended that the explanation is there in the first information report itself. Since the petitioner was a pregnant lady and she felt pain, she rushed to the hospital for immediate treatment and proper information was given to the informant in this regard by her mother-in-law at the time of inspection of the shop.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Considering the nature of allegation and the submissions made on behalf of the parties, in the event of arrest or surrender, she is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Birpur, Supaul in connection with Birpur P.S. Case No. 227 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr.



Secretary.

- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court 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 sent to Pramod Mishra, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

Pradeep/-

U		T	
---	--	---	--

