

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24814 of 2020**

Arising Out of PS. Case No.-77 Year-2020 Thana- MIRGANJ District- Gopalganj

SHANKAR YADAV @ SHANKAR PRASAD YADAV @ SHANKAR PRASAD Son of Late Ramadhan Prasad Yadav Resident of Village- Savrenji, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dhramveer, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      16-10-2020                      Heard learned counsel for the petitioner and learned counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Mirganj P.S. Case no. 77 of 2020 registered under sections 406 and 420 of the Indian Penal Code and section 7 of the Essential Commodities Act.

As per allegation in the FIR, on inspection of the shop of the petitioner who happens to be a license holder of a PDS shop, it is stated that it was found that he was distributing lesser amount of grains than what the people were entitled to.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and the same have been made for oblique reasons. Further, referring to the enclosures to the FIR it is submitted that the so called complaint by some of the card holders would show that there is not only overwriting in the complaint but the same have been signed by persons other than the card holders. It is further submitted that he has categorically stated in paragraph no. 18 of the petition



that his license has been suspended and he is facing proceedings under the control order. He has no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and considering the submissions made on behalf of the petitioner together with the fact that the petitioner is having no criminal antecedent, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Mirganj P.S. Case no. 77 of 2020 he will be enlarged 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 learned Sub-Divisional Judicial Magistrate, Gopalganj subject to the conditions as laid down under section 438(2) of the Cr.P.C.

**(Partha Sarthy, J)**

Prakash/-

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