

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25702 of 2020

Arising Out of PS. Case No.-76 Year-2020 Thana- MIRGANJ District- Gopalganj

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Sri Sipahi Manjhi @ Sipahi Manjhi, male, aged about 53 years, Son of Shyam Bahadur Manjhi, Resident of Village – Chhap, Post - Chhap Mathia, P.S. - Mirganj, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-10-2020 Heard Mr. Javed Aslam, learned counsel for the petitioner and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Mirganj P.S. Case No. 76 of 2020, dated 16.04.2020, instituted for the offences under Sections 406 and 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.



It has been submitted on behalf of the petitioner the F.I.R. lodged against him is absolutely misconceived.

According to the prosecution case, the District Magistrate inspected the P.D.S. shop of the petitioner and was told that the consumer items were distributed amongst thirty two beneficiaries. This information was found to be incorrect and only eight beneficiaries had been given the consumer items. On physical inspection of the shop of the petitioner, 16.19 quintals of rice was found in excess. This was the basis for coming to the conclusion that the goods were not distributed to the beneficiaries.

Learned counsel for the petitioner submits that he has been running the P.D.S. shop since 14.03.2000, *i.e.*, about twenty years and most of the beneficiaries attached to his shop are poor persons. They had taken the goods and allowed it to remain in the P.D.S. shop of the petitioner only to be collected later. These facts were made known to the District



Magistrate, but, somehow or the other, the F.I.R. has been lodged.

It has further been submitted on behalf of the petitioner that if at all there was any irregularity in the distribution of the food-grains, it called for an explanation as to why the licence of the petitioner would not have been suspended or cancelled. However, straightway lodging the First Information Report, alleging offences under Sections 406 and 420 of the Indian Penal Code, reflected a vindictive approach.

Considering the nature of accusation against the petitioner and the explanation offered by the petitioner, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail bonds in the sum 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, in connection



with Mirganj P.S. Case No. 76 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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