

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28499 of 2020**

Arising Out of PS. Case No.-49 Year-2020 Thana- CHAPRA TOWN District- Saran

RAJESH KUMAR Son of Late Vishwanath Prasad P.D.S. dealer, License No. 30/2016, Resident of Ward No. 30, Karimchak Sarkari Bazar, P.S. - Chapra Town, District - Saran (Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 03-12-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner, in the present case, seeking pre-arrest bail in connection with Chapra Town P.S. Case No. 49 of 2020 registered for the offences punishable under Sections 406 and 406 of the Indian Penal Code.

As per the prosecution story, during the course of inspection of P.D.S. Shop of Ward No. 30, the Marketing Officer, Town Chapra has found many irregularities. It is alleged that petitioner has cheated the consumers and has not distributed the articles in proper way and has soled the grains. On the basis of the written statement the petitioner has been made accused in this case.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the inspecting officer has not properly verified the documents on which the grains had been distributed among the beneficiaries, he is running the P.D.S. Shop in accordance with law and there is no any grievance of the consumers against the petitioner.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, this court has noticed from the F.I.R. that the allegation against the petitioner is that he was not opening the Shop on all the days and then there were allegations by the beneficiaries/consumers that the petitioner was not providing full quota of rations but in course of investigation a large number of beneficiaries have given in writing that they have no complain with the petitioner and in this regard the beneficiaries have sworn affidavit and further that on this ground the license of the petitioner has already been suspended as submitted by learned counsel for the petitioner and further that petitioner has got no criminal antecedent otherwise, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Chapra Town P.S. Case No. 49 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran, subject to



the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

