

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28885 of 2020

Arising Out of PS. Case No.-217 Year-2018 Thana- BATHNAHA District- Sitamarhi

SURENDRA CHAUDHARY S/o Brij Nandan Chaudhary Resident of
Village- Jhitkahiya, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.A.L. Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-12-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

This application, for grant of anticipatory bail, arises
out of Bathnaha Police Station Case No. 217 of 2018, disclosing
offences under Sections 420/34 of the Indian Penal Code and
Section 7 of the Essential Commodities Act.

The prosecution case, as per the First Information
Report, is that the informant, along with the Senior Officers,
raided village Surgahiya and recovered 400 bags of wheat, each
weighing 50 kgs, kept on a truck, bearing registration no. BR
0GA/7200 and upon enquiry, the driver of the truck and poldar
disclosed that one Manoj Kumar has purchased the said wheat
from the PDS dealer of village Haribela and they also disclosed



that the wheat was purchased by this petitioner at the behest of one Amrendra Kumar Bhagat.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of the statement of the driver of the truck and poldar. He further submits that the petitioner is not a PDS dealer and co-accused Amrendra Kumar Bhagat, whose bail application was dismissed by the present impugned order, has been granted anticipatory bail by this Court, vide order passed in Criminal Misc. No. 29153 of 2020.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that the petitioner is not the PDS dealer and similarly situated co-accused person has been granted bail by this Court, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Sitamarhi, in connection with Bathnaha Police Station Case No. 217 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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