

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85295 of 2019

Arising Out of PS. Case No.-236 Year-2019 Thana- DULHIN BAZAR District- Patna

Sarjug Prasad Saw @ Saryu Prasad @ Sarjug Saw, Son of Late Sita Ram Saw,
Resident of Village-Selhauri, P.S.-Dulhin Bazar, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs.Leelawati Kumari, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-01-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Dulhin Bazar P.S. Case No. 236 of 2019
registered for the offences punishable under Section 7 of the
Essential Commodities Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. Learned counsel submits that as a matter of fact no
occurrence in the manner as alleged has ever been taken place
and entire prosecution version is full of concoction and
fabrication.

Learned A.P.P. for the State has opposed the prayer for
bail.



Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the alleged recovery of rice has been made from the possession of the accused Satyendra Kumar and on his statement that he had purchased the said rice from this petitioner, this petitioner has been made accused but there is no independent material to show that the rice in question was the government subsidized rice and/or there was any shortfall found in the stock of this petitioner as also that the petitioner is running a fair price shop for last 40 years and there is no complaint against him, he is 80 years of old and has got no criminal antecedent, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Danapur in connection with Dulhin Bazar P.S. Case No. 236 of 2019, subject to the condition 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.

(Rajeev Ranjan Prasad, J)

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