

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29055 of 2021

Arising Out of PS. Case No.-31 Year-2021 Thana- SIMRI District- Buxar

-
-
1. MURLI PRASAD @ MURLI SAH @ MURLI PRASAD GUPTA Son of Late Sudama Sah
 2. Jitendra Prasad Sah @ Jitendra Prasad Son of Murli Prasad @ Murli Sah @ Murli Prasad Gupta
 3. Sumeet Prasad Son of Murli Prasad @ Murli Sah @ Murli Prasad Gupta. All are Resident of Village- Ga Ngauli, P.S.- Simri, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R. P. Sinha, Sr. Advocate Mr. Brajesh Prasad Gupta, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 17-06-2021 Heard learned counsel for the parties.

Petitioners seek bail in a case registered for the offence punishable under Sections 341,504,506,353 and 34 of the Indian Penal Code.

As per prosecution story, on 29.01.2021 at about 5 p.m. when informant, BDO and C.O. of Simri went for surprise visit to the public distribution shop of Rakesh Prasad, in the meantime, Murli Prasad (petitioner no.1), Sunil Prasad, Sumit Prasad (petitioner no.3) and Jitendra Prasad Sah (petitioner

no.2) came at that place and started to pressurize informant to seal the public distribution shop of Rakesh Prasad and when informant told them that they don't have any power to do so then accused persons surrounded them and started forcing them to seal the shop. Thereafter, informant informed the police and, subsequently, the police party came and arrested these accused persons.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case. It is further submitted that petitioners had sent an application dated 7.9.2020 to the Vigilance Department, Patna stating therein that Laxmi Prasad, his own brother Rakesh Kumar Prasad and one Ramashankar (son of Laxmi Prasad) are running their shops at one place which is grossly illegal. The articles of public Distribution shops are being always sold in black market. It is further submitted that these petitioners made complain against the Block Development Officer and Circle Officer, Simari before Vigilance Department, District Magistrate, Sub-Divisional Officer, Food and Supply Department, Patna and due to this reason, the aforesaid officials along with police force randomly came to the house of the petitioners at about 8:00 p.m and arrested the petitioners. Petitioners have no criminal

antecedent and they are in custody since 30.01.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Simri (Dera) P.S. Case No.31 of 2021, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--