

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27402 of 2020

Arising Out of PS. Case No.-88 Year-2020 Thana- BARHIYA District- Lakhisarai

1. Lalita Devi, Wife of Shankar Kumar @ Shankar Sao, Resident of Village - Ram Nagar Jaitpur, P.S.- Barahia, District - Lakhisarai.
2. Shankar Kumar @ Shankar Sao, Son of Bhagwan Sao, Resident of Village - Ram Nagar Jaitpur, P.S.- Barahia, District - Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-01-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Barahia P.S. Case No.88 of 2020 registered for the offence punishable under Sections 188, 269, 270, 271 of the Indian Penal Code, Section 7 of the E.C. Act and Section 3 of the Epidemic Disease Act, 1897.

It is the prosecution case that 27.05 quintal rice was found at the petitioner's *Kirana* shop, for which the petitioner has not produced any paper.

It is submitted by Mr. N.K. Agrawal, learned Senior Counsel appearing for the petitioners that the petitioners are not



the PDS. dealers. From the seizure list also, it cannot be made out that the recovered rice is from the PDS system. The implication of the petitioners is without any basis. They have no criminal antecedents.

Learned APP for the State has opposed the prayer for anticipatory bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Barahia P.S. Case No.88 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any



change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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