

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29653 of 2020

Arising Out of PS. Case No.-248 Year-2020 Thana- MADHAURAH District- Saran

Rajnath Prasad, aged about 50 years, Male, Son of Late Mahabir Ray,
Resident of Village- Tehati, P.S.- Marhowrah, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-02-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Marhaura (Madhaura) P.S. Case No. 248 of 2020 registered for the offences punishable under Sections 420, 406, 467, 468 of the Indian Penal Code, Section 3 of the Epidemic Disease Act and Section 7 of the Essential Commodities Act.

The prosecution case, in short, is that Marhaura (Madhaura) Police Station Case No.248 of 2020 was registered on 01.04.2020 under Sections 420, 406, 467, 468 of the Indian Penal code, Section 3 of the Epidemic Disease Act and 7 of the Essential Commodities Act on the basis of written first information report of one Vikash Ranjan, the Block Supply Officer, Marhaura, who made accused to Rajnath Prasad (petitioner).



The informant in his written first information report stated that on 31.03.2020 at 09:00 p.m. the Sub-Divisional Officer, Marhowrah given him information on his mobile about capturing a pick up van by the villagers on which several bags containing rice and wheat were loaded, then the informant proceeded at the place of occurrence, where the police officer were also present. The pick up van bearing its Registration No.BR04J-5885 was seized upon which 15 bags rice and 02 bags wheat were found. The informant stated that in each bags 50 K.G. rice and wheat was kept which was looking a food grain of State Food Corporation. The informant further stated that during inquiry, the villagers disclosed that at 08:30 p.m. the pick up van was apprehended by them upon which total 70 bags wheat and rice were loaded but the son of Rajnath Prasad, a P.D.S. dealer carried away some bags from the pick up van on their motorcycle in result only 15 bags rice and 02 bags wheat was on pick up van.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has committed no offence. He is a P.D.S. dealer. He had lifted the grains for the month of February and March, 2020, which were distributed amongst the consumers through poss machine. The informant made physical



verification of the godown of the petitioner-accuse and found the stock paper. The petitioner-accused has nothing to do with the seized pick up van or the food grains. He further submits that the license of the petitioner has been suspended and enquiry is going on. He further submits that the petitioner has got no any criminal antecedent mentioned in paragraph-3 of the bail petition.

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

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Chapra, District- Saran in connection with Marhaura (Madhaura) P.S. Case No. 248 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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