

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35304 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- SURYAPURA District- Rohtas

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KAMLESH KUMAR Son of Late Chandrika Sah Resident of Village -
Balihar, P.S.- Suryapura, Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate.

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks.

The petitioner is apprehending his arrest in Suryapura
P.S. Case No. 06 of 2021 registered under Section 420 of the
Indian Penal Code, Section-3(3) & 4 of Fertilizer (Control)
Order, 1935 and 7(1)(a)(i) of E.C. Act.

Allegedly, the petitioner sold 70 bags and 30 bags of
fertilizer to one Bindhyachali Devi on 16-11-2020 & 24-11-
2020 respectively but in the register, 7 bags and 3 bags of
fertilizer was shown to be sold and hence, the petitioner is
alleged to have violated FCO and also committed an offence



under Section 7 of E.C. Act.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. Due to clerical mistake, a zero has been added due to which, 7 has become 70 and 3 has become 30. The petitioner has not violated the Fertilizer (Control) Order. It is further submitted that the petitioner is ready to deposit an amount of Rs. 25,000/- in the court below which shall be subject to final outcome of the case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit an amount of Rs. 25,000/- in the court below which shall be subject to final outcome of the case. On doing so, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, at Bikramganj, Distt.-



Rohtas, Sasaram in connection with Suryapura P.S. Case No. 06
of 2021, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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