

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26419 of 2022**

Arising Out of PS. Case No.-123 Year-2022 Thana- GOPALPUR District- Bhagalpur

Manoj Kumar Jayaswal Son Of Sri Hari Prasad Jayaswal Proprietor of M/S Jayaswal Traders, R/o Village And P.O.- Rangra, P.S.- Gopalpur (Rangra), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainandra Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 01-11-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 420 of the Indian Penal Code, Section 7 of the Essential Commodity Act and under Section 3/7 of the Fertilizer (Control) Order, 1985.

According to prosecution case, in short, is that the informant was appointed as Fertilizer Inspector vide Memo No. 1785 dated 26.07.2021. One Md. Manowar Alam made complaint on mobile to District Magistrate, Bhagalpur and written complaint to District Agricultural Officer, Bhagalpur



alleging therein that the petitioner is selling Urea on the higher rate i.e. Rs.350/-. On the basis of the aforesaid complaint, an Inquiry Team was constituted and it was found that the allegation as levelled in the said written complaint is true.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence as alleged has taken place. He further submits that except the present complaint, no such complaint has been filed against the petitioner.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Gopalpur (Rangra O.P.) P.S. Case No. 123 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-



1. Petitioner 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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