

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43685 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- CHANDAN District- Banka

ROOP CHANDRA YADAV Son of Raj Kumar Yadav Resident of village -
Bhairoganj, P.S. - Chandan (Anandpur), District- Banka, Proprietor of M/S
Kishan Krishi Kendra, Bharioganj, Chandan, Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr. Ranjan Kumar Jha
For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-04-2022 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Chandan (Anandpur) Police Station Case No. 160 of 2020,
registered for the offence punishable under Section 420 of the
Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the District Magistrate, Banka, constituted an
inspection team for inspection of top twenty fertilizer sellers in
the district of Banka and in course of inspection, it has been
found that the petitioner, being the proprietor of M/S Kishan
Krishi Kendra, Bhairoganj, sold 200 bags of urea to farmer Ram
Krishan Yadav and farmer Dubeshwar Yadav through their



adhar cards, but in fact only two bags and three bags respectively were given to them.

Learned Senior Counsel for the petitioner submits that from perusal of the First Information Report, it appears that the petitioner has merely been made accused in this case on the basis of the statement made by the purchasers that only two bags and three bags of urea were sold to them and it is not the case of the prosecution that the petitioner received the cost of 200 bags of urea from the farmers or charged higher price. He further submits that no complaint/ First Information Report has been lodged by any person/purchasers claiming that they paid cost of 200 bags of urea to the petitioner and lesser bags of urea i.e. two bags and three bags, were delivered to them. He further submits that the fertilizer license of the petitioner has also been cancelled by the District Agriculture Officer, Banka. He further submits that the petitioner is in custody since 24.06.2021, having no criminal antecedent and charge sheet has been submitted and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and there is no prima facie material to suggest that the petitioner received the



cost of 200 bags of urea from the alleged purchasers, he is in custody since 24.06.2021 and charge sheet has been submitted against the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Chandan (Anandpur) Police Station Case No. 160 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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