

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36286 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- BALRAMPUR District- Katihar

1. MD. KAISHAR ALAM SON OF MD. NAZIR AHMAD RSIDENT OF VILLAGE- PACHRA, P.S.- BALRAMPUR, DISTRICT- KATIHAR.
2. SITARA BEGUM W/O - MD. KAISHAR ALAM RSIDENT OF VILLAGE- PACHRA, P.S.- BALRAMPUR, DISTRICT- KATIHAR.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abdul Wadood

For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 17-08-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with Balrampur P.S. Case No. 54 of 2022, registered for the offences punishable under Sections 420, 120 (B)/34 of the Indian Penal Code and Section 7 of the E.C. Act & Section 56 Disaster Management Act, 2005.

The informant of this case is Block Supply Officer. One Shambhu Noniya made complaint before Sub-divisonal Public Complaint Redressal Officer that the petitioner No.1 who is a PDS dealer has kept his Ration Card number mentioned in the FIR with



him for three years and he is not distributing ration to him. As per allegation, the petitioner misappropriated the ration of the beneficiaries. It was detected during inquiry that the petitioner had withdrawn Ration Card of several beneficiaries whose details have been mentioned in the FIR and he sold the ration in black market.

Learned counsel for the petitioners has submitted that petitioner No. 2 Sitara Begum is wife of petitioner No. 1. There is allegation that petitioner No. 1 after using the Adhar Card of petitioner No. 2 used to sell the ration in black market. Petitioner No. 2 is a lady and she has no concern with the alleged occurrence. He has submitted further that it is true that the petitioner is a PDS dealer but his license has been cancelled and a certificate case of recovery has been initiated against him. He has also submitted the petitioner No. 1 is ready to deposit the entire amount of Rs. 2,90,000/- mentioned in the certificate case in two installments within three months.

Petitioner No. 2 is a lady. She is wife of petitioner No. 1 who is a PDS dealer. It appears that she has no complicity in the present case. The FIR shows itself that the petitioner No. 1 used the Adhar Card of petitioner No. 2. Accordingly, let the petitioner No. 2, in the event of her arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar



in connection with Balrampur P.S. Case No. 54 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C but the **petitioner No. 1 is directed to be released on provisional bail** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Balrampur P.S. Case No. 54 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C and **the bail of the petitioner No. 1 shall be confirmed by the learned court below itself, after depositing the entire money within stipulated period.**

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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