

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42704 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- DHAMDAHA District- Purnia

BIKASH KUMAR S/O UMESH YADAV Resident of Village- Amari
Kukraun East, P.S.- Dhamdaha, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
379, 353, 504 and 506 of the Indian Penal Code and Section 7
of the E.C. Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that he along with police force
reached the shop of the retailer fertilizer on complaint that he
used to sell fertilizers at an exorbitant price. Further, the retailer
along with another fled away and refused to get the godown
inspected, thus, alleges that retailer was selling fertilizer without



licence in the premises at an exorbitant rate.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and has a licence for selling fertilizer. It is further submitted that the licence had lapsed and, as such, he had deposited Challan on 07.10.2021 for renewal of his licence when the present case came to be instituted.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that selling of fertilizer at an exorbitant price is a very serious offence for the reasons that it affects the agriculturist who in time of need are bereft of fertilizer on account of black marketing.

Learned counsel for the petitioner rebuts the submission of the learned A.P.P. and submits that petitioner will not evade the law and will cooperate in the investigation and will present himself as and when required by the investigating officer.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount



each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhamdaha P.S. Case No. 42 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, if the investigating officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself before him when called, the learned trial court after giving an opportunity of hearing to the petitioner shall pass order in accordance with law and shall also entitle to cancel the bail bonds of the petitioner.

Learned trial court is directed to send a copy of this order to the concerned police station.

(Satyavrat Verma, J)

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