

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55003 of 2021

Arising Out of PS. Case No.-115 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Kundan Kumar Son Of Sri Ramashish Ram R/O Village- Kangalichak,
Panchayat Kirtaniya, P.S.- Pirpainti, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Narayan, Advocate

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

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 (Bhagalpur)
Pirpainti P.S. Case No. 115 of 2021 registered under Section 7(1)(a)
of Essential Commodities Act, 1955 [ECA].

Prosecution case in short is that one of the beneficiary, received
only 8 kg. of wheat and 12 kg. of rice in lieu of 40 kg. of wheat and
60 kg. of rice from the PDS shop of the petitioner.

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. As
per the prosecution case, the petitioner being a PDS dealer distributed



less than entitled foodgrains to one of the beneficiaries. The allegation is denied by the petitioner. 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 Additional Chief Judicial Magistrate-XI, Bhagalpur in connection with (Bhagalpur) Pirpainti P.S. Case No. 115 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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