

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47483 of 2022

Arising Out of PS. Case No.-207 Year-2021 Thana- NIMCHAKBATHANI District- Gaya

Hira Saw S/O Late Ritu SAO Resident of village- Natesher, P.S.- Nimchak,
Bathani, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Sinha No.1, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-11-2022 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 420, 120B/34 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

As per prosecution case, in brief, is that the accused petitioner was indulged in black marketing of Government supplied rice and cereals to the local shop keeper.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely 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 E.C Act is not attracted against the petitioner and only on the basis of suspicion the petitioner has falsely been implicated and the petitioner is not a PDS licensee dealer and he has no concern with any Government agency. Further submits that it appears from the F.I.R. itself that the prosecution has filed to establish the case with the petitioner.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nimachak Bathyani P.S. Case No. 207 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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