

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64160 of 2021**

Arising Out of PS. Case No.-241 Year-2021 Thana- FATEHPUR District- Gaya

NARESH CHAUDHARY S/O KAILASH CHAUDHARY R/o village- Powa,
P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 22-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 23.07.2021, he received information that the lock of godown of the petitioner has been broken by unknown key in the night, accordingly the informant went to the place of occurrence and found the lock of the PDS shop broken and the PDS shop opened, it is next alleged that he enquired about the matter from the son of the petitioner and the villagers but no



villager had any knowledge of the theft, it is next alleged that persons of the locality also said that they have no knowledge about theft had been committed in the P.D.S. shop of the petitioner, it is further alleged that petitioner had three godown for keeping food-grains, it is next alleged that accordingly the informant informed the petitioner and asked him to come but the petitioner on the pretext of getting the key fled away and switched off his mobile, it is thus alleged that petitioner was engaged in black-marketing and the entire food-grains found in the godown were handed over to one PDS dealer Shashi Bhushan Prasad Singh on Jimmanama.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that it was the petitioner who had informed the superior authority about the theft being committed in his godown, it is also submitted that it absolutely does not stand to reason that on what basis the informant alleges that petitioner was indulging in black-marketing when none of the beneficiaries have complained against the petitioner, it is next submitted that PDS license of the concerned area of many PDS dealer were suspended as such their food-grains were kept in the godown of the petitioner, as such it appears that theft was



committed as food-grain was over-flowing in his godown.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Fatehpur P.S. Case No. 241 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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