

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9722 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- BODHGAYA District- Gaya

Sudama Paswan S/O Late Jageshwar Paswan @ Late Jugeshwar Paswan
Resident Of Village- Chauraha Tola, Nima P.S.- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Bodh Gaya P.S. Case No. 58 of 2022 registered for the offences punishable under Section 7 of the Essential Commodities Act, 1955, pending in the Court of learned C.J.M. Gaya.

As per the prosecution case, the license of P.D.S. shop of the petitioner has been cancelled and due to that the said shop is joint with P.D.S. shop of Jitendra Kumar and instructed Jitendra Kumar to distribute victuals among the consumer. It is further stated that no any food grain have been transferred in the P.D.S. shop of Jitendra Kumar.

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the



petitioner is not specific rather general and omnibus in nature. He submit that the petitioner has already distributed all the grains to the consumer, and that is the reason no any consumer has submitted any complaint for non supply of grain. The petitioner has got one criminal antecedent of similar in nature as mentioned in para-3 of the bail application.

Learned APP for the State vehemently opposing the bail petition submitted that there is specific overt act against the petitioner. Hence, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the fact that the petitioner has got one criminal antecedent of similar nature, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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