

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14914 of 2023

Arising Out of PS. Case No.-370 Year-2022 Thana- MADHUBAN District- East Champaran

SACHIN KUMAR SON OF MUKHLAL MAHTO @ MUKSLAL MAHTO
R/O VILLAGE- BHELWA, P.S.- MADHUBAN, DISTRICT- EAST
CHAMPARAN Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Madhuban P.S. Case No 370 of 2022 for the offence under Sections 7 of the Essential Commodities Act lodged on 30.08.2022 by the informant Umesh Kumar.

The prosecution story, in brief, is that the informant alleged that on 29.08.2022, received information from the villagers and Circle Officer, Madhuban that Dinesh, Principal Primary School in collusion with Sri Lalbabu Thakur were going with six sacks of rice for black-marketing. Lal Babu Thakur witnessing the Circle Officer fled away and while the driver too escaped leaving the Pickup Van.

Subsequently, the Circle officer seized the said vehicle and brought the same to Madhuban Police Station. The informant on direction of Sub-Divisional Magistrate, Pakaridayal and District Programme Officer, East



Champaran, Motihari requested for investigation of the case. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that he is a poor driver of the vehicle and had nothing to do with the materials that was loaded on it. Further submission is that he has clean antecedent.

Learned APP, on the other hand, submits that there is allegation of transportation of rice under the different schemes for black-marketing.

Considering the fact that the petitioner is a driver, do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., East Champaran, in connection with Madhuban P.S. Case No 370 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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