

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15863 of 2023

Arising Out of PS. Case No.-135 Year-2022 Thana- LAKHNAUR District- Madhubani

KOMADI DEVI Wife of Sujit Kumar Jha Resident of Village - Baliya, P.S.-
Lakhnaur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Lakhanpur P.S. Case No. 135 of 2022 for the offence registered under Section 7 of the Essential Commodities Act lodged on 12.07.2022.

The prosecution case, in brief, is that the case of the informant is that on 12.07.2022 at about 4.40, the Sub Divisional Officer Jhanjharpur informed on telephone that some villagers of Baliya eastern tola detained a Tempo loaded rice for black marketing and directed to take legal action. It is alleged that at 5.12, he reached at the place of occurrence saw near the house of Prakash Yadav some villagers detained a tempo on which in the jute bag rice was loaded, which was inspected by



him and found 16 jute bags containing rice on which the seal of Bihar State Food Corporation found out of which 15 bags were tied with rope. It has further been alleged that the S.H.O along with police personal came at the place of occurrence and taken the driver with tempo to police station and at the place of occurrence in presence of two independent witness seized the total 7.15 quintal rice and handed over to another P.D.S dealer Mahraj Jha on jimmenama. It has further been alleged that driver of tempo bearing registration number BR-07-PC-0315 Rambilas Sahu told that while he was coming from Khairi village the husband of P.D.S dealer called him and loaded the 16 bags rice for cleaning of the rice but the villagers detained the vehicle. The informant suspects that prima facie it appears that P.D.S dealer Komadi Devi in collusion with tempo driver loaded 16 bags of rice for black marketing. Accordingly, the FIR.

Learned counsel for the petitioner by way of paragraph nos. 9 to 12 it has submitted as follows :

9. from the F.I.R, it appears that the rice was seized in the village Baliya near the house of Prakash Yadav but the witnesses are not from the vicinity rather from another village Umri and Behat;

10. from the seizure list, it appears that witness Ameer Jha is son of Mahraj Jha, the P.D.S



dealer of Gram Panchayat Raj. Lofa and the seized rice were given on jimmenama, by the Block Supply Officer. Lakhanaur;

11. similarly, the another witness of seizure list is Abhinay Kumar who is also a P.D.S dealer of Gram Panchayat Raj, Behat, which is about 10 km from the place of occurrence where the rice was seized by the B.S.O;

12. in course of investigation, the independent witnesses have stated that at the instance of Prakash Yadav the present case has been instituted because the husband of the petitioner was witness in a Panchayati held against his family members as such he was inimical towards the family of the petitioner.

Learned APP for the State opposes the prayer for bail.

Taking into account the aforesaid facts as also that she is a lady, the FIR has been lodged and ultimately she will have to face the trial, this Court is inclined to grant her privilege of bail.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM 1st, Jhamjharpur, Madhubani in connection with Lakhanaur P.S. Case



No. 135 of 2022, subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(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 her bail
bond by the Trial court itself;

(iii) 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 her bail bonds;

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

(Rajiv Roy, J)

Jagdish/Neha/-

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