

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.17410 of 2023

Arising Out of PS. Case No.-165 Year-2016 Thana- CHHATAPUR District- Supaul

INDRANAND PATHAK Son of Late Bhola Pathak Resident of Village -
Ghiwaha, P.S.- Chhatapur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Kumar Jha

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 30-05-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State.

This application, for grant of anticipatory bail, arises
out of Chhatapur Police Station Case No. 165 of 2016, dated
12.06.2016, disclosing offences punishable under Section 7 of
the Essential Commodities Act.

The prosecution case, as per the First Information
Report, is that the villagers apprehended co-accused Ramesh
Sah and seized two bags of wheat and upon enquiry, he
disclosed the name of the petitioner, who happens to be a PDS
dealer and chairman of the PACS.

Learned Counsel for the petitioner submits that the



police, after completion of investigation, submitted final form not sending the petitioner for trial, but the learned Magistrate, differing with the final report, took cognizance against the petitioner on 14.11.2021 without any material on record and in a mechanical manner. He further submits that the petitioner has been dragged in this case on the basis of disclosure made by co-accused Ramesh Sah, from whose possession two bags of wheat was recovered.

Regards being had to the submissions advanced on behalf of petitioner and taking into consideration the fact that the police, after completion of investigation, has submitted final form not sending the petitioner for trial, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Supaul, in connection with Chhatapur Police Station Case No. 165 of 2016, subject to the condition laid down under Section 438 (2) of the Code of



Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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