

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27633 of 2023

Arising Out of PS. Case No.-442 Year-2022 Thana- NARPATGANJ District- Araria

Jagdish Paswan Son Of Late Madhuri Paswan Resident Of Village- Khabdah,
Ward No. 11, PS- Narpatganj, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 06-06-2023 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Narpatganj P.S. Case No. 442 of 2022 registered on 30.09.2022
lodged under Sections 406, 420 of the I.P.C. and Section 7 of
the Essential Commodity Act.

As per the prosecution case, specific allegation
against the petitioner is that the accused is a P.D.S. dealer and
due to non-delivery of 169.35 Quintal wheat and 315.55 Quintal
rice to the concerned seller i.e. Smt. Manju Kumari (who is a
PDS dealer, having reference no. 23N/2018), the present case
has been filed.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 25.02.2023 having clean antecedent. Counsel for the petitioner submits that in paragraph no. 10 it has been mentioned that petitioner in the good faith, on the assurance of the informant that he gave the receiving of the said stock, handed over the entire rest stock to PDS dealer Manju Kumari but till date no receiving has been issued in favour of petitioner, either by the informant or by the dealer. He further submits that it is a disputed fact which can be ascertained by trial only.

Learned counsel for the State opposes the prayer for bail but admits that these facts are basically in dispute, which can be ascertained by the evidences only.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 442 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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