

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35813 of 2023

Arising Out of PS. Case No.-1188 Year-2022 Thana- TURKAULIYA District- East
Champaran

-
1. Saroj Kumar @ Saroj Prasad, aged about 49 years, male, S/O Yag Bhagat @ Jag Bhagat, R/O Village- Pakariya, P.S- Banjaria, Distt.- East Champaran.
 2. Subhash Kumar, aged about 30 years, male, S/o Yag Bhagat @ Jag Bhagat R/o Village- Pakariya, P.S- Banjaria, Distt.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Abhishek Kumar, Advocate

For the Opposite Party : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Turkaulia (Banjaria) P.S. Case No. 1188 of 2022 dated
11.12.2022, instituted for the offence punishable under Sections
147, 148, 149, 333, 506, 504 & 34 of the Indian Penal Code.

3. The prosecution case, in short, is that on
11.12.2022, the informant (Agriculture Coordinator-cum-
Fertilizer Inspector) raided the petitioner no. 1's shop on the
information about sale of urea at exorbitant price and saw 3-4
farmers having two bags of urea on their cycles were moving
who stated that they had purchased it at the price of Rs. 550/-



per bag from M/s Dipu Khad Bij Bhandar. When the proprietor was asked about the said sale, the proprietor Saroj Kumar not only abused the informant but also assaulted him. The other accused Subhash Kumar along with 25-30 unknown persons created hindrance in the official duty.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. The allegation levelled against the petitioners are false, fabricated and malafide. It is further submitted that petitioner no. 1, namely, Saroj Kumar @ Saroj Prasad is the proprietor of M/s Dipu Khad Bij Bhandar and used to sale urea according to POS machine at the genuine price. It is also submitted that the photocopy of the documents i.e. stock register showing the sale of urea and as per the stock register till, 10.12.2022, the petitioner no. 1 did not have any stock of urea at his shop. Lastly, it has been submitted that both the petitioners have two criminal cases against them. It is stated that petitioner no. 2 is the brother of petitioner no. 1. Learned counsel for the petitioners further submits that the instant case has been registered against them merely on the basis of suspicion and no document to show the petitioners' involvement in violation of provision of control order under E.C. Act.



5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Turkaulia (Banjaria) P.S. Case No. 1188 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari subject to condition as laid down under Section 438(2) of the Criminal Procedure Code.

(Khatim Reza, J)

Gaurav Kumar/-

U		T	
---	--	---	--

