

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47270 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- RAJNAGAR District- Madhubani

Shiv Shankar Sahu @ Shankar Sah, Son of Sri Kamal Prasad Sah, Resident of
village - Gausnagar, P.S. - Pandaul, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-09-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in
connection with Rajnagar P.S. Case No. 86 of 2023 dated
07.04.2023 registered for the offences punishable under
Sections 379, 420 and 120(B) of the Indian Penal Code and
Sections 7 and 9 of E.C. Act.

3. The main submissions advanced by learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent and he is a reputed businessman having
registered GST No. and his firm's yearly turnover is in crores
and in the name of his firm, income-tax is also filed. It is further
submitted that the petitioner had no concern with the alleged
tractor which was used in carrying the government fortified rice



being found in 70 bags and he has even no concern with the driver of the alleged tractor and he is also not a PDS dealer. It is further submitted that there is no signature of the petitioner over the seizure list and two persons namely Prabash Kumar Tiwary and Ashwani Kumar are stated to be the witnesses of the alleged seizure of the government subsidised rice but the petitioner has no connection with any of them and the most important thing is that there is no detail of the petitioner's *godown* on the seizure memo which itself falsifies the allegation levelled against him and also, the petitioner was not present at the alleged place of recovery.

4. Learned APP for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent and also, the fact, that on the seizure list, there is no detail of the place of recovery which is stated to be the *godown* of the petitioner and the main allegation appears against the concerned Aaganwadi Sevikas, in my opinion, in the said circumstances, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the Court concerned in connection with Rajnagar P.S. Case No. 86 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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