

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49143 of 2023

Arising Out of PS. Case No.-85 Year-2022 Thana- INARWA District- West Champaran

Rakesh Prasad Son of Badelal Sah Resident of Village-Inarwa, Ward No. 5,
P.S.-Inarwa, District-West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhagya Narayan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Inarwa P.S. Case No. 85 of 2022, registered on 07.09.2022 for the offences under Sections 414/34 of the Indian Penal Code and Section 7 of Essential Commodities Act.

3. As per prosecution case, the police party while checking vehicles found three persons riding three motorcycles who fled away from the spot leaving behind their motorcycles on which bags of urea fertilizer were loaded. The petitioner is said to be owner of one of the motorcycles left behind by the miscreants.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is a farmer and for the purpose of agriculture he got purchased the urea to be used in his field. Since the motorcycle is registered in the name of the petitioner he has been made accused in this case otherwise nothing incriminating has been recovered from the person or possession of the petitioner.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and he has been made accused as the recovery of fertilizer is shown from his motorcycle, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah/concerned court in connection with Inarwa P.S. Case No. 85 of 2022, subject to the condition as



laid down under Section 438(2) of the Code of Criminal
Procedure and other following conditions :

- (i) One of the bailors will be a close relative
of the petitioner.
- (ii) The petitioner will remain present on
each and every date fixed by the court below,
if so required by the learned trial court.

(Arun Kumar Jha, J)

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