

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50916 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- BALTHAR District- West Champaran

NANDA DEVI W/O VIJAY PRASAD Resident of village- Bhawari, P.S.-
Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in connection with Balthar P.S. Case No. 73 of 2022 for the offence registered under Section 7 of the Essential Commodities Act.

As per the prosecution story, the informant Child Development Project Officer, Sikta, West Champaran, Bettiah filed written report stating that an ‘auto’ was intercepted and one rice bag was recovered which belongs to the ‘Anganbari Centre’ where the petitioner is the ‘Anganbari Sevika’. The person concerned with whom the one bag rice was recovered was Mr. Vijay Prasad, the husband of the petitioner. It has been alleged that the rice bag which is being provided for the mid-day mill was being taken illegally by her husband. Accordingly, the FIR was lodged.



Learned counsel for the petitioner submits that of all the 10 bags that were provided to the 'Anganbari Sevika/the petitioner herein', the material of one of the bag was rotten and she had deputed her husband to get the same exchanged. As it was being carried in the 'auto', the same was intercepted and a case was registered. It is his further submission that she is ready to cooperate in the investigation, she do not have criminal antecedent and irrespective of the outcome of the present case, she wants to contribute a sum of Rs. 5000/- in the Account No. 1413010060836 of Patna High Court, Legal Services Committee.

Learned APP for the State opposes the prayer for bail but submits that although there is allegation against her, the *alibi* taken by the petitioner's counsel does not seem implausible.

Taking into account the aforesaid facts as also that she do not have criminal antecedent and is ready to cooperate in the investigation and ultimately, she has to face the trial, this Court is inclined to grant her relief subject to payment of Rs. 5,000/- as stated above.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Balthar P.S. Case No. 73 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha-

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