

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54854 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- MAJORGANJ District- Sitamarhi

1. VISHWANATH RAI s/o late Nandan Rai R/V- Belba Parari, P.S.- Majorganj, District- Sitamarhi.
2. Ganesh Rai @ Ganesh Prasad @ Ganesh Prasad Yadav s/o- Deo Nandan Rai R/V- Belba Parari, P.S.- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh

For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 03-02-2023 Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State through video conferencing.

At the outset, the learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail petition, petitioner no. 2 has been arrested and, as such, it has become infructuous with respect to him. He, therefore, seeks permission to withdraw this petition with respect to him.

In view of the aforesaid submission, **this petition is dismissed as withdrawn with respect to petitioner no. 2.**

So far as petitioner no. 1 is concerned, he apprehends his arrest in connection with Majorganj P.S. Case No. 178 of 2022,



registered for the offences punishable under Section 7 of the Essential Commodities Act.

There is allegation that 79 bags of urea was illegally stored in the house of the petitioner.

The learned counsel for the petitioners has submitted that in the column no. 2 of place, where the urea was seized has been mentioned in the seizure list, but it has not been mentioned therein that it was the house of the petitioners. He has submitted further that, as a matter of fact, petitioner no. 2 Ganesh Rai was a candidate of *Sarpanch* in Belba Parari village and the Block Development Officer. At the occasion of the election, he illegally assisted his rival candidate and in this respect, petitioner no. 2 has complained to the State Election Commission, vide annexure-2 dated 20.09.2021. Due to that vengeance, the petitioner has falsely been implicated at the instance of the B.D.O. in this case. The petitioner no. 1 is a person of clean antecedent.

Considering the above-mentioned facts and circumstances, **let petitioner no. 1** in the event of his arrest or surrender within four weeks before the learned court below, **be released on bail** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Majorganj P.S. Case No. 178 of



2022, subject to the conditions as laid down under Section 438(2)
Cr.P.C.

(Nawneet Kumar Pandey, J)

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