

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71535 of 2022

Arising Out of PS. Case No.-111 Year-2022 Thana- MAINATAND District- West Champaran

JAIPRAKASH MISHRA @ JAI PRAKASH MISHRA @ JAYPRAKASH
MISHRA Son of Late Ghanshayam Mishra Resident of Village- Dhobani,
P.S.- Mainatand, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.09.2022, in connection with Mainatand P.S. Case No.
111/2022, F.I.R. dated 19.09.2022, for the offences punishable
under Section 414 of the Indian Penal Code and Section 7 of the
Essential Commodities Act.

According to prosecution case, total 1305 Kg. Of
Urea fertilizer has been recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears



from the F.I.R. that 1305 Kg of urea has been recovered in front of the house of the petitioner. He further submits that the petitioner is neither a P.D.S. dealer nor the dealer of the Urea fertilizer and the same was in possession of the petitioner for his personal use. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned S.D.J.M., West Champaran, in connection with Mainatand P.S. Case No. 111/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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