

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12305 of 2024

Arising Out of PS. Case No.-549 Year-2023 Thana- MUFFASIL District- West Champaran

Arjun Ojha Son Of Late Jagarnath Ojha R/O Village- Amawa Majhar, P.S.-
Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Brij Kishor Mishra, the learned counsel
for the petitioner and Mr. Anil Kumar, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bettiah Muffasil PS Case No. 549 of 2023, FIR
dated 18.08.2023, registered for the offence punishable under
Section 7 of the Essential Commodities Act.

3. According to prosecution case, a shortage of
351.84 quintal of rice and 50.76 quintal of wheat was found in
the physical verification of the PDS shop of one Arjun Ojha,
who was later issued a show-cause notice by the Sub-Divisional
Officer, Bettiah Sadar.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. In fact,



the competent authority has demanded bribe from the family member of the petitioner and the son of the petitioner has not given the bribe to the Block Supply Officer namely, Shailendra Kumar, then the said Shailendra Kumar with the help of other officials have filed a false and fabricated case against the petitioner and petitioner is license holder of the PDS shop and pursuant to the aforesaid FIR, the license of the PDS shop was cancelled by the competent authority.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one. However, he fairly admits that he has got bail in the said case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Sub-Divisional Judicial Magistrate, Bettiah, West Champaran, where the case is pending in connection with **Bettiah Muffasil PS Case No. 549 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and



also the following conditions:

(i). 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.

(ii). 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.

(iii). 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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