

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14996 of 2024

Arising Out of PS. Case No.-78 Year-2023 Thana- MATIYARIA District- West Champaran

Vijay Kumar Gupta S/o Late Vishwanath Sah R/o Vill - Mehnaul Kala, P.S. -
Matiyariya, Dist. - 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.Parmeshwar Mehta,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr.Brij Kishor Mishra, learned counsel for
the petitioner and Mr.Parmeshwar Mehta, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Matiyariya P.S.Case No.78 of 2023,FIR dated 06.10.2023 registered for the offences punishable under Section 7 of the Essential Commodities Act.

3. The informant in his written first information report stated that on 06.06.2023 at 11:50 am. he made an inspection to the P.D.S. shop of Vijay Kumar Gupta and he found no food grains in store, though as per the POS machine 14486 K.G. wheat and 35090 K.G. rice was to be available.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner is P.D.S. Dealer and without asking the petitioner with respect to the foodgrains in question, the FIR has been instituted by the authority concerned against the petitioner. Learned counsel for the petitioner submits that due to mistake the petitioner has given the false calculation chart to the authority concerned and on that basis the present FIR has been instituted.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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, Bettiah, West Champaran in connection with Matiyariya P.S.Case No.78 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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