

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23167 of 2024

Arising Out of PS. Case No.-5 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Om Prakash Tiwari Son Of Jamdar Tiwari Village- Chaita Brahmtoli, Ps-
Pakaridayal, Distt- East Chamaparan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the State : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Anant Kumar 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 Pakaridayal P.S. Case No. 05 of 2023, F.I.R. dated 08.01.2023 for the offences punishable under Sections 341, 504 and 506 of the Indian Penal Code and under Section 7 of the Essential Commodities Act.

3. According to prosecution case, the allegation against the petitioner is that he has not distributed the fertilizers to the farmers on the date as fixed by the competent authority and also demanded extra money from them.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in



the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner has distributed the fertilizers among the farmers on the same date i.e. on 03.01.2023 and rate as fixed by the competent authority and he has not committed offence as alleged in the FIR. He further submits that the date of the occurrence as alleged in the FIR is 05.01.2023 but the present FIR is instituted on 08.01.2023 after delay of three days without giving any explanation for the delay.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he has not distributed the fertilizers to the farmers on the date fixed by the competent authority and also demanded more amount as fixed by the competent authority and apart from that the petitioner carries one criminal case other than the present one but fairly submits on the basis of the paragraph no. 3 of the bail petition that he is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Pakaridayal P.S. Case No. 05 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 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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