

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38110 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- SARSI District- Purnia

Panchu Kumar Son of Ravindra Sah @ Lanka Sah Village- Rahi Tola, Kala Balua, Ps- Raniganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Diksha Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Ms. Diksha Kumari, 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 Sarsi P.S. Case No. 224 of 2023, F.I.R. dated 08.11.2023 for the offences punishable under Sections 409, 420/34 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

3. According to prosecution case, all the accused persons including this petitioner are involved in black marketing of fertilizers.

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



petitioner is not named in the F.I.R and he has been made accused only on the ground that the petitioner is the son of the owner of tractor in question from which the alleged 102 bags of fertilizers have been recovered and he has no concern at all with the alleged recovery.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and he has been made accused only on the ground that the petitioner is the son of the owner of tractor in question, 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, Purnia in connection with Sarsi P.S. Case No. 224 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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