

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40417 of 2024

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

Arjun Mehta @ Arjun Mahto Son of Ramchandra Mehta Resident of Village -
Ward no. 08, Kalab Balua, P.S. - Banaili , District - 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. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-09-2024 Heard Ms. Diksha Kumari, learned counsel for the

petitioner and Mr. Anil Kumar, 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 and 34 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

3. According to prosecution case, a tractor loaded with 102 bags each of 50 kg fertilizers was caught by the officials. When the officials asked for documents, the driver of the tractor did not provide any document. The informant suspect that the said fertilizer was being transported with the intention of black marketing.

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



in the present case merely on the ground that the petitioner is driver of the tractor in question. He further submits that from a bare perusal of the FIR it appears that altogether 102 bags each of 50 kg fertilizer was recovered from the tractor in question. He further submits that the petitioner has no concern at all with the alleged recovery and the same was purchased by the farmers at the Gulab Bagh market and apart from that the local farmers have also filed a petition before the Officer In-Charge of Sarsi P.S. stating therein that the present FIR is false and they have purchased the fertilizers in question from the local market.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner having clean antecedent, he is driver of the vehicle in question and the persons who have purchased the fertilizer in question have informed the police that they have purchased the fertilizer in question from the local market, 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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