

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55180 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- FORBESGANJ District- Araria

Munna Yadav @ Munna Kumar Yadav Son of Ram Nath Yadav Resident of
Vill- Laxmipur Ward No.02, P.S.- Kursakanta, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Forbesganj (Simraha) P.S. Case No. 41 of 2023 instituted under Section 7(i) (a), 11 of the Essential Commodities Act and section 7 of F.C.O. 1985 Act lodged on 14.01.2023 by the informant, Rajeshwar Prasad Singh.

3. As per the prosecution story, the FIR lodged by Block Agriculture Officer, Forbesganj, a pick-up van was intercepted and fertilizers loaded in it was/were seized. As no paper was provided, the co-driver was arrested. The driver managed to escape. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the pick-up van was driven by the co-driver. He had no role to play in it and once he was arrested, implicated him. The last



submission is that he do not have criminal antecedent.

5. Mr. Jitendra Kumar Singh, learned APP opposes the prayer submitting that he is the driver of the pick-up van.

6. Considering the fact that pick-van was seized and the person present in it was arrested, the name of the petitioner has come in the confession of co-accused Kanhaiya Kumar Yadav, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection Forbesganj (Simraha) P.S. Case No. 41 of 2023 with to the satisfaction of learned Chief Judicial Magistrate, Araria subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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