

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60093 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- SHRI NAGAR District- Madhepura

Yogendra Paswan Son of Bantu Paswan R/O Vill.- Sahuriya Ward no. 11,
Lakshmipur bhagwati, P.S.- Shrinagar, Dist. Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 409, 406 and 420 of the Indian Penal Code read with Section 7 of the E.C. Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that PDS shop of the petitioner on 12.06.2024 was inspected and the godown was found empty, but on perusal of the F.P.S. code, it were showing 24200.320 kgs and 28433 kgs of wheat along with 87255 kg and 81015.32 kgs of rice, further the distributed grain in the month of May, 2024 i.e. 29 kgs of wheat and 116 kgs of rice was not received on the POS



machine, thus, alleges that petitioner indulged in black marketing of 52662.32 kgs of wheat and 168386.32 of rice.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant for ulterior reasons. It is next submitted that one PDS dealer, Rajendra Ram was harassed by the informant who instituted a complaint case against the informant in the Court of learned CJM, Madhepura and thereafter a meeting of the PDS dealer was convened, in which the petitioner participated and took a firm stand against the conduct of the informant which annoyed the informant, it is further submitted that no beneficiaries ever complained that they are not getting their quota of grains. It is next submitted that inspection was carried not on the complaint of any beneficiary, but by the informant for reasons best known. It is also submitted that though in the FIR, it is alleged that POS machine was not showing the grains, but then the Block Supply Officer has accepted that POS machine was not in a working condition. It is next submitted that such pleadings have been made at Paragraphs 9, 11, 12 and 13 of the anticipatory bail application.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is a



direct allegation of black marketing of grains of the beneficiary by the dealer. It is also submitted that if privilege of anticipatory bail is granted to the petitioner, the petitioner may tamper with the evidence, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond nor will tamper with the evidence rather will cooperate in the investigation to prove his innocence. It is also submitted that even the license of the petitioner has been suspended.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Srinagar P.S. Case No. 71 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the



investigation or is not presenting himself as and when required in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

8. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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