

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83019 of 2023**

Arising Out of PS. Case No.-406 Year-2023 Thana- NARHATT District- Nawada

Onkar Kumar S/o- Sunil Kumar Village- Rampur Ps- Narhat Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Narhat P.S. Case No. 406 of 2023 dated 26.08.2023, instituted for the offence punishable under Sections 341, 323, 353, 504, 506/34 of the Indian Penal Code 1860 and Section 7 of the Essential Commodities Act.

3. The allegation against the petitioner is of misbehaving, abusing, threatening the informant and on search it was found that there was shortage of 54.76 quintals grain (35.83 quintals of rice and 18.93 quintals of wheat.)

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that only on the basis of online



verification and suspicion made by the Block Supply Officer, the petitioner has been made accused in this case. It is next submitted that there was no shortage of food grains. Lastly, it has been submitted that the petitioner has two criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Narhat P.S. Case No. 406 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Nawada, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation,



preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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