

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46158 of 2025

Arising Out of PS. Case No.-54 Year-2025 Thana- Bankebazar District- Gaya

Umesh Paswan S/O Janki Paswan R/O Village- Rakshi (Tandwa), P.S-
Bankey Bazar, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2025 Heard Mr. Anil Kumar Singh, learned counsel for the
petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bankey Bazar P.S. Case No. 54 of 2025, F.I.R. dated 28.04.2025 registered for the offences punishable under Sections 316(5), 318(4) of B.N.S., 2023 and Section 7 of the Essential Commodities (EC) Act, 1955.

3. As per allegation against the petitioner in the F.I.R. is that total shortage of 142.67 quintals of wheat and 376.35 quintals of rice were found from the PDS shop of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has



not committed any offence as alleged in the F.I.R. and without giving any show cause notice to the petitioner because the petitioner is a PDS Dealer, the informant has filed the present F.I.R. against the petitioner. As per allegation in the F.I.R. total shortage of 142.67 quintals of wheat and 376.35 quintals of rice were found from the PDS shop of the petitioner. Learned counsel for the petitioner submits that the petitioner is running the shop in question since 1992 and till date no any complaint was made by any person and the F.I.R. was instituted without giving any show cause notice to the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and without giving any show cause notice to the petitioner, the present F.I.R. was instituted by the informant, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Bankey Bazar P.S. Case No. 54 of 2025, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other 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 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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