

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73289 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- SHEOHAR District- Sheohar

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1. Upendra Singh S/o Late Badri Singh Resident of Village- Sugiya Katsari, PS- Sheohar, Distt. - Sheohar
 2. Anurag Kumar S/o Late Badri Singh Resident of Village- Sugiya Katsari, PS- Sheohar, Distt. - Sheohar

... .. Petitioners

Versus

1. The State of Bihar.
2. Manjay Kumar Abhishek, R/o Vill- post Nawada Govindganj, P.S. - Areraj, Distt. - 50 Champaran, Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md Tauqueer Azhar, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Md. Tauqueer Azhar, the learned counsel

for the petitioners and Mr. Parmeshwar Mehta, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Sheohar PS Case No. 160 of 2024, FIR dated

08.06.2024, registered for the offence punishable under Section 7

of the EC Act.

3. According to the prosecution case, after the death of

petitioners' father, his PDS as well as POS machine were handed

over to adjoining dealer Chiranjeev Jha, however, the grains

supplied to the shop of the deceased were retained by the accused



persons. It is further alleged that upon inspection by the informant it was found that 19.55 quintal wheat and 81.76 quintal of rice were missing from the deceased dealer's shop.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that father of petitioners was a PDS dealer and he died on 31.03.2024 and thereafter, the authority has inspected the shop of the father of the petitioners and on that basis the present FIR has been instituted against the petitioners.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Sheohar, where the case is pending in connection with **Sheohar PS Case No. 160 of 2024**, subject to the conditions as laid down under Section 438(2) of the



Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper 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 learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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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