

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.619 of 2026

Arising Out of PS. Case No.-439 Year-2024 Thana- BARACHATTI District- Gaya

Baby Malakar wife of Arvind Malakar Village- Panchayat Binda Block and
PS- Barachatti, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Sudhir Kumar Sinha, Advocate
For the State : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2026 Heard Mr. Sudhir Kumar Sinha, learned counsel for
the petitioner and Mr. Abhay Kumar Roy, learned APP for the
State.

2. The petitioner is apprehending her arrest in
connection with Barachatti P.S. Case No. 439 of 2024, F.I.R.
dated 25.09.2024 registered for the offences punishable under
Section 7 of the Essential Commodity Act, 1955.

3. Allegation against the petitioner is that during
course of physical verification of stock of food grains zero
balance is found whereas stock shows 101.46 quintal balance.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and she has been falsely
implicated in the present case. He further submits that the
petitioner is a PDS dealer having a valid license bearing License



No. 01 of 2020. As per allegation in the F.I.R., the official has inspected the shop of the petitioner on 25.09.2024 and in course of inspection it has been found that there was zero balance of food grains. Learned counsel for the petitioner further submits that without verifying the physical verification, the petitioner has been made accused in the present case and the official has not verified the stock register of 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 official without verifying the record has instituted the present case, let the petitioner, above named, in the event of her 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 S.D.J.M., Sherghati, Gaya in connection with Barachatti P.S. Case No. 439 of 2024, 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 her absence on two consecutive dates without sufficient reason, her 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 her 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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