

Ram Prakash Singh @ Chuman @ Chuman Singh vs The State Of Bihar on 22 April, 2022

Author: Anjani Kumar Sharan

Bench: Anjani Kumar Sharan

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46641 of 2021
Arising Out of PS. Case No.-427 Year-2020 Thana- BARACHATTI Distri
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RAM PRAKASH SINGH @ CHUMAN @ CHUMAN SINGH Son of
Shanker Prasad Singh Resident of Village- Nasima- Nigma tola, Manikpur,
P.S.- Arwal, District- Arwal.

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Kumar Nikhil, Adv.
For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-04-2022

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 272, 273, 379, 413, 411, 406/34 of the Indian Penal Code and section 59(iii) of Food Safety and Standard Act, 2006.

The allegation against the petitioner is that he along with other accused persons are engaged in illegal draining of milk Patna High Court CR. MISC. No.46641 of 2021(2) dt.22-04-2022 from the tanker and to sell it after mixing water. It is alleged that after seeing the police, the petitioner fled away from the spot.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. Petitioner is not named in the F.I.R. No such occurrence, in the manner as alleged, has ever taken place. No incriminating article has been recovered from the conscious physical possession of the petitioner. He is not involved in illegal draining of milk from the tankers. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent and similarly situated accused persons named by accused Deepak Kumar as his allies were granted anticipatory bail by the learned court below itself. None of the co-accused apart from Deepak Kumar has taken the name of the petitioner.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since similarly situated co-accused have been granted bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. Patna High Court CR. MISC. No.46641 of 2021(2) dt.22-04-2022 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Barachatti P.S. Case No.427/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J) pallavi/-

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