

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 4672 of 2023

Budhnath Tudu @ Buddhinath Tudu **Petitioner**

Versus

The State of Jharkhand **Opposite party**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Gautam Kumar, Advocate

For the State : Mr. Sunil Kumar Dubey, A.P.P.

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Order No.03/ Dated:30.06.2023

Heard learned counsel for the parties.

The petitioner has been made an accused in connection with Pakuria P.S. Case No. 83 of 2022, registered for the offence under Section 174, 188, 379, 409, 420, 467/34 of the Indian Penal Code and Section 07 of the Essential Commodity Act, pending in the court of learned Sub-Divisional Judicial Magistrate, Pakur.

As per F.I.R, allegation is that petitioner being PDS shop dealer has not supplied the food grains from January 20022 to October 2022 and misappropriated 372.08 quintal food grains.

Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all rather he has been falsely implicated in this case. It is submitted that petitioner has submitted all the documents to both the concerned authorities in respect of regular distribution of food grains. No complaint from any corner was made against the petitioner throughout the impugned period. The petitioner is languishing in Judicial custody since

02.04.2023 without rhymes and reasons. Petitioner undertakes to co-operate in the trial of the case by remaining physically present as and when required and shall not indulge in any manner in tampering with the prosecution evidences or influencing the witnesses of prosecution, hence, the petitioner may be enlarged on bail.

Learned A.P.P appearing on behalf of State has opposed the prayer for bail of the petitioner and submitted that there are sufficient materials against the petitioner showing his involvement in the present case, hence he does not deserve bail.

Considering the nature of offence alleged to be committed by the petitioner and his period of custody, I am inclined to release the petitioner, on bail. Accordingly, the petitioner, named above, is directed to be released on bail on furnishing of bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each, to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pakur in connection with Pakuria P.S. Case No. 83 of 2022 subject to the conditions:-

1. Petitioner shall remain physically present on each and every date till the conclusion of the trial of this case unless prevented from sufficient cause to the satisfaction of the learned trial court.
2. Petitioner shall not indulge in any or other similar offence till the conclusion of the trial.
3. Petitioner shall not indulge in tampering with the prosecution evidences or influencing the prosecution witnesses.

In case of violation of the aforesaid condition the bail of the petitioner shall be cancelled by learned trial court.

(Pradeep Kumar Srivastava, J.)

R.K.