

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 35247 of 2023**

Arising Out of PS. Case No.-58 Year-2023 Thana- RAJNAGAR District- Madhubani

PREM KANT MISHRA SON OF LAKSHMI KANT MISHRA RESIDENT
OF VILLAGE- KOILAKH, PS- RAJNAGAR, DISTT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH BLOCK CO-OPERATIVE
EXTENSION OFFICER, RAJNAGAR DISTRICT MADHUBANI BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr Umeshanand Pandit, APP

CORAM: HONOURABLE MR JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

5 29-08-2023 Heard learned counsel for the petitioner and the
learned APP.

2 The petitioner apprehends arrest in Rajnagar PS
Case No 58 of 2023, GR No 373 of 2023 registered for the
offence punishable under Sections 419, 420, 465, 466 and 409
of Indian Penal Code.

3 As per the prosecution case, on 08.02.2023, the Sub
Divisional Magistrate, Madhubani Sadar inspected the godown
of Koilakh PACS and found shortage of 1303 quintals of paddy.
It is further alleged that some of the farms also alleged that they
have not received the price of paddy and their passbook is with
the petitioner which was also admitted by the petitioner.

4 Learned counsel for the petitioner submits that the



petitioner is the Chairman of the Koilakh PACS since 2009 and there was no complaint from the farmer or any person against him. It is further submitted that due to shortage of place in the godown, the paddy was being kept at the farmers' house and supplied to the mill as per the convenience and capacity of mill. As such, no offence under Sections 419, 420, 465, 466 and 409 of IPC is made out against the petitioner.

5 Learned APP has vehemently opposed the prayer for anticipatory bail. It is submitted that there is specific accusation that this petitioner has not paid the amount of paddy to the farmers and also kept their passbook with him and on the date of inspection, huge shortage of paddy was found in the godown. Petitioner is the Chairman of the Koilakh PACS and got one criminal antecedent.

6 Considering the nature of accusation that petitioner was benefited, I do not find it a fit case for grant of anticipatory bail. The same is rejected.

(Prabhat Kumar Singh, J)

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