

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77275 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- KUDHNI District- Kaimur (Bhabua)

Siddhanath Rai S/O Late Mangaru Ray R/O Village- Mukhrwn, P.S.-
Kuchhila, Distt- Kaimur(Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bandana Kumari, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-12-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Kudhani P.S. Case No. 30 of 2024 instituted for the offence
under Sections 316(5), 318(4) & 3(5) of the Bharatiya Nyaya
Sanhita, 2023.

3. Prosecution in short is that 4644.7 qts of paddy was
entrusted to the President and Manager of PACS and as against
the said paddy only 3190 qt CMR was supplied to the Bihar
State Food Corporation and thereafter, despite directions, the
remaining CMR was not supplied nor the godown where the
paddy was stored was opened by the accused for its verification
and lastly the allegation is of embezzlement of 7285.25 qts



amounting to Rs 1,60,85,832/- (one crore sixty lakhs eight five thousand eight hundred and thirty two rupees) has been embezzled as no paddy was found stored in the godown.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25-09-2024. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has surfaced in this case during course of investigation on the basis of written report filed by the informant with regard to adding the name of members of the PACS in the FIR. It is next submitted that petitioner has no role in purchasing or keeping the paddy in the godown rather, it is the duty of the President and Manager of the PACS for keeping and supplying the paddy and CMR, as is evident from perusal of the FIR, wherein the informant has stated that the President and Manager of the PACS are responsible for keeping the paddy and for all financial transactions. Petitioner has no role in the alleged embezzlement.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that name of the petitioner surfaced in this case in



paragraph No. 19 of the case diary.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and there being no direct role of the petitioner in the alleged embezzlement, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kudhani P.S. Case No. 30 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

