

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81637 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- FESHAR District- Aurangabad

SUNIL KUMAR S/O RAMDHYAN YADAV R/o vill - Parsi, P.O. - Ibrahimpur, P.s. - Faser, Distt.- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Co-operative Extension Officer, Block - Aurangabad, Distt.- Aurangabad Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 82459 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- FESHAR District- Aurangabad

KUMAR ANIL S/O RAMDHYAN YADAV R/o Vill - Parsi, P.o.- Ibrahimpur, P.S. - Faser, Distt. - Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Co-operative Extension Officer, Block Aurangabad, Distt.- Aurangabad Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 81637 of 2024)

For the Petitioner/s : Mr. Sumeet Kr. Singh, Advocate

For the State : Mr. Parmeshwar Mehta, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 82459 of 2024)

For the Petitioner/s : Mr. Sumeet Kr. Singh, Advocate

Mr. Alka Singh, Advocate

For the State : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-12-2024 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Since these two anticipatory bail applications arise

out of Feshar P.S. Case No. 100 of 2024, with the consent of the



parties, both these two anticipatory applications are heard together.

3. These applications, for grant of anticipatory bail, arise out of Feshar Police Station Case No. 100 of 2024, disclosing offences under Sections 409, 420, 467, 468, 471, and 120(B) of the Indian Penal Code, 1860.

4. The prosecution case, as per the First Information Report, is that 2480.405 MT paddy was purchased by petitioner no.1 PACS Chairman of Ibrahimpur, Shri Sunil Kumar and petitioner no.2 Manager of PACS Chairman of Ibrahimpur, Shri Kumar Anil, in the year 2023-24. Approximately, 1703.542 MT of CMR, equivalent to the said purchased paddy, was to be supplied to the Bihar State Food Corporation under the policy, but of only 580.00 MT CMR has been supplied to the Bihar State Food Corporation and 806.750 MT paddy has been sent to the miller and upon enquiry made by the two-men committee, it was found that the petitioners embezzled 1673.655 MT paddy, amounting to Rs. 3,69,54,302.

5. Learned counsel for the petitioners submits that due to some unavoidable circumstances the paddy could not be supplied. However, the petitioners are ready to deposit the value of the paddy which was not supplied, amounting to Rs.



3,69,54,302/- in the concerned Bank Account. Learned counsel for the petitioners submits that petitioners shall deposit the said amount of Rs. 3,69,54,302/- within 14 months. Out of which the first installment of Rs. 73,90,860/- which is 20% of the embezzled amount shall be deposited by the petitioners before furnishing the bail bonds.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioners are ready to deposit the aforesaid amount of Rs.3,69,54,302/- within fourteen months, I am inclined to grant the petitioners privilege of anticipatory bail, subject to the condition that they will refund/deposit the amount of Rs. 3,69,54,302/- within 14 months from today and shall deposit the first installment of Rs. 73,90,860/- before furnishing the bail bond and shall produce the receipt showing payment of the said amount at the time of furnishing bail bond before the learned District Court. The petitioners shall pay the rest 80% of i.e., Rs. 2,95,63,441/- in 13 equal installments within 13 months from the date of furnishing bail bond.

7. This application is, accordingly, allowed.

8. Let the petitioners, above named, in the event of his arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Feshar Police Station Case No. 100 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure with the further condition as mentioned in para 6 hereinabove.

(Anil Kumar Sinha, J)

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