

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7667 of 2025

Arising Out of PS. Case No.-105 Year-2024 Thana- KARPURIGRAM District- Samastipur

Bhola Bhagat @ Bhola Prasad Yadav S/O Late Chuman Bhagat @ Late Chumman Bhagat R/O Village- Adharpur, Police Station- Karpurigram, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Reena Rani W/O Rajeev Kumar Baranwal R/O Mohalla- Ward No.-10, Road No.-01, Town Police Station- Hajipur, Dist- Vaishali (844101), at present posted at Cooperative Extension Officer Tajpur, Samastipur, Mob.- 8709691417

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar
For the Opposite Party/s	:	Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 13-05-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Karpurigram P.S. Case No. 105 of 2024 dated 27.09.2024 registered u/s 316(2), 316(5), 318(4), 3(5) of B.N.S. 2023.

3. As per the First Information Report lodged by Cooperative Extension Officer, Tajpur, Samastipur the Adharpur PACS Chairman Bhola Bhagat (i.e. petitioner) and PACS Manager Umesh Prasad Yadav procured a total quantity of 844.5 quintals of paddy under kharif marketing season for the year 2023-2024 and the equivalent of 580 quintals of C.M.R. was to be supplied to State Food Corporation, Samastipur but the quantity supplied by them till now is zero (0). It has further been alleged that PACS Chairman and Manager embezzled an amount



of Rs. 18,64,656 /- against value of 844.5 quintal of paddy.

4. Learned counsel for the petitioner submits that the committee of PACS has the right to decide to sell paddy in open market due to deterioration in quality of rice / paddy and due to situation of deterioration, paddy was sold in open market at low prices and the same has not been sold with any intention of causing loss to Adharpur PACS. It is further submitted that U.C. Rice Mill Khanpur, Samastipur was not ready to take paddy from the Adharpur PACS under any circumstances and quality of paddy was deteriorating day by day and Cooperative Officer, Samastipur did not provide any kind of assistance in collecting paddy from Adharpur PACS nor given any pressure to Rice Mill Khanpur, Samastipur to lift paddy from PACS and in this situation the committee of Adharpur PACS took a decision and sold paddy in open market. The petitioner is ready to deposit the amount of Rs. 18,64,656/- in equal monthly installments within a period of nine months from today to the State Food Corporation, Samastipur.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner is ready to refund / deposit the amount Rs. 18,64,656 to the State Food Corporation, Samastipur within a period of nine months from



today, I am inclined to grant provisional anticipatory bail to the petitioner subject to the condition that the petitioner shall return / deposit the entire amount of Rs. 18,64,656/- to the Co-operative Bank / concerned authority in equal installments within a period of nine months. The petitioner shall deposit Rs. 2,07,184/- as first installment at time of furnishing bail bond.

6. Let the petitioner, above named, be released on provisional anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sonam Rani, J.M. 1st Class, Samastipur in connection with Karpurigram P.S. Case No. 105 of 2024 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

7. After deposit of the first installment of Rs. 2,07,184 /- at the time of furnishing of the bail bond, the rest amount of Rs. 16,57,472/- shall be deposited before the Co-operative Bank / concerned authority, Samastipur by way of equal monthly installment of Rs. 2,07,184/- each within a period of eight months. If the petitioner deposits the entire amount within time the provisional anticipatory bail granted to the petitioner shall be confirmed by the learned court below itself.



8. With the aforesaid observation and direction, the application is disposed of.

(Anil Kumar Sinha, J)

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