

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11710 of 2025**

Arising Out of PS. Case No.-197 Year-2016 Thana- MAKHDUMPUR District- Jehanabad

Sunil Sharma, Male, Aged about 59 years, Son of Sri Ram Vinay Sharma,
Resident of Village- Dharnai, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, State Food Corporation, Jehanabad Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Koushlendra Narayan, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
		Mrs. Shilpi Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel for the BSFC
and perused the case diary.

2. The petitioner is in custody in a case registered for
the offence punishable under Sections 316/3(5) of the B.N.S.S.
(409/34) of the Indian Penal Code.

3. As per allegation in the FIR, the petitioner and co-
accused Gautam Kumar was the manager of PACS and under an
agreement with a rice miller, the Chairman of the PACS
purchased paddy and he delivered the rice in lesser quantity as
required and, thus, allegedly misappropriated to the tune of



rupees three lacs eighty-four thousand and odd.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that no case is made out against the petitioner as alleged by the informant and also submits that the instant FIR is a result of misconception and mistake of fact as stated in para-8 of the petition. He next submits that earlier the petitioner was earlier granted granted anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 46558 of 2016 imposing essential condition that if petitioner fails to deposit Rs.3,84,938.75 within six months but the petitioner could not manage to deposit the aforesaid amount within the stipulated period due to financial hardship and the petitioner was not capable to arrange money for this purposes and situation was beyond the control of the petitioner as stated in para-10 of the petition and also other co-accused has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 9122 of 2018 vide order dated 16.02.2018. Petitioner has got clean antecedent as stated in para-3 of the petition and he is in custody since 17.12.2024. Learned counsel for the petitioner submits that the petitioner is ready to return Rs.3,84,938.75 in two equal instalments within two months.



5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner is ready to deposit the said amount.

6. In view of the aforesaid facts and circumstances and also the fact that similarly situated co-accused persons have been granted anticipatory bail and regular bail by a Co-ordinate Benches of this Court, so I am inclined to grant bail to the petitioner.

7. Accordingly, let the above name petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Jehanabad in connection with Makhdumpur P.S. Case No. 197 of 2016/G.R. No. 1212 of 2016, subject to the following conditions as under:-

(i) Petitioner is directed to deposit before Bihar State Food Corporation, Jehanabad of 50% of the total amount (Rs.3,84,938.75) which is Rs.1,92,469.00 and this payment must be paid at the time of furnishing bail bond.

(ii) Petitioner is also directed to deposit before Bihar State Food Corporation, Jehanabad of remaining 50% of the total amount (Rs.3,84,938.75) which is Rs.1,92,469.00 within two months from the date of this order and if the petitioner



failed to deposit remaining 50% amount, i.e., Rs.1,92,469.00
then the trial Court shall cancel the bail bond of the petitioner.

(Ramesh Chand Malviya, J)

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