

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7538 of 2025

Arising Out of PS. Case No.-489 Year-2018 Thana- DINARA District- Rohtas

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Anil Kumar S/O Ramchandra Ram Resident of Kanhauli Ajarkabe @
Kanhauli Ajarkwe, Shakti Nagar, P.S.- Ramna Mithanpura, Dist.-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food and Civil Supplies Corp. Ltd. Through Dist. Manager,
Rohtas at Sasaram Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pratik Mishra, Adv.
For the Opposite Party/s	:	Ms. Renu Kumari, APP
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh, Adv. Mrs. Shilpi Singh, Adv. Mr. Aayush Kumar, Adv.

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

ORAL ORDER

5 24-06-2025 Heard Mr. Pratik Mishra, learned counsel for the

petitioner and Ms. Renu Kumari, learned APP for the State as

also learned counsel for the B.S.F.C.

2. The petitioner seeks bail in connection with Dinara
P.S. Case No. 489 of 2018 instituted for the offences under
Sections 409 and 420 of the I.P.C.

3. The prosecution case, in brief, is that on physical
verification of T.D.P.S. godown by the D.C.L.R. and the
Manager, deficit of 1369.40 quintal of rice and 500.06 quintal of



wheat was found and, in this manner, misappropriation of Rs. 76,68,661/- was alleged done.

4. Earlier, the petitioner has moved before this Court with a prayer for anticipatory bail which was allowed vide order dated 18.12.2019 passed by the then Co-ordinate Bench of this Court in Cr. Misc. No. 48298 of 2019 whereby the petitioner was granted provisional anticipatory bail on a condition that the petitioner will deposit Rs. 7,50,000/- in the court below and, on doing so, he will be granted provisional anticipatory bail. It was also directed that after release of the petitioner on provisional anticipatory bail, he shall deposit the rest amount of Rs. 7,50,000/- in the court below within next six weeks and, if the petitioner deposits the total amount of Rs. 15,00,000/- in the aforesaid manner, the court below shall confirm the provisional anticipatory bail granted to the petitioner. It was also observed that if the petitioner fails to do so, the provisional anticipatory bail granted to him was directed to be cancelled by the court below and the court below was directed to take all necessary steps for production of the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



Learned counsel for the petitioner submits that the petitioner is the Assistant Godown Manager of Bihar State Food & Civil Supplies Corporation, Rohtas at Sasaram. Certain shortages were found on verification of the godown which led to the institution of the present case. He further submits that as a matter of fact, the present case is nothing but merely an accounting error and no defalcation of any grain has taken place. He further submits that the petitioner additionally had the charge of Dawath T.P.D.S. godown also and, due to that reason, the stock registers were not up-to-date at the time of inspection and, as such, a bogus deficit was reflected. He further submits that the petitioner was not only the person who had the access to the stock in the godown and, therefore, the petitioner alone cannot be held to be liable for the acts of others. Learned counsel for the petitioner again points out that neither during the inspection nor during entire investigation any grain or money has been recovered from the possession of the petitioner or at his instance to show any defalcation on the part of the petitioner. The petitioner has one criminal antecedent being Dawath P.S. Case No. 187 of 2018 and is languishing in judicial custody since 06.09.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State and



the B.S.F.C. have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner is named in the Complaint Case/F.I.R. and, hence, he does not deserve bail.

7. From perusal of records, it appears that the petitioner was earlier granted provisional anticipatory bail with a direction to deposit an amount of Rs. 15,00,000/- in two installments in the court below with certain terms and conditions, stated above. It appears that the petitioner did not comply the aforesaid conditions as imposed by this Hon'ble Court and Non-Bailable Warrant was issued against him and, thereafter, the petitioner was arrested. The Investigating Officer, after completion of investigation, submitted charge-sheet against the petitioner under Sections 409/420 of the I.P.C.

8. Having heard learned counsel for the parties and considering the entire facts and circumstances of the case, the nature and gravity of the offence, there being direct allegation of committing criminal breach of trust as also taking into account the embezzlement of huge amount of government money to the tune of Rs. 76,68,661.45/-, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner,



above named, is rejected with a direction to the learned court
below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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