

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7735 of 2025

Arising Out of PS. Case No.-292 Year-2024 Thana- NAUTAN District- West Champaran

Bhikhari Prasad Kushwaha @ Bhikhari Prasad S/O Late Ram Prasad Resident
of village- Khap Tola, P.S- Nautan, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Bihar State Food Corporation, Patna, through the Managing Director Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra
For the Opposite Party/s : Mr. Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 15-04-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Nautan with P.S. Case No. 292/2024 dated 12.08.2024 registered for the offence punishable u/s 316(5) and 318(4) of the B.N.S. and Section 7 of the E.C. Act.

3. As per the prosecution case, the allegation against the accused persons is that the PACS for the *kharif* season 2023-24 had purchased 3464 quintals of paddy till 15.02.2024 accordingly in terms of the Government instructions, the PACS had to deposit 68% of custom milled Rice (CMR) in the godown



of the State Food Corporation, Bettiah, but then the same was not deposited and on inquiry it was found that 3042 quintals of paddy of the Corporation was missing from the PACS, as such, it was alleged that an amount of Rs. 67,16,736/- was misappropriated by the accused persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The other co-accused person has already been granted anticipatory bail by the Co-ordinate Bench of this court *vide* order dated 07.03.2025 passed in Cr. Misc. No. 8516/2025. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 13.12.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the petitioner is Chairman of PACS Western Nautan and he has received 3,465 quintals paddy along with the co-accused Vijay Kumar who is son of the petitioner but he did not return to the Government 3,042 quintals paddy rice and made defalcation of Rs. 67,16,776/-.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah, West Champaran in connection Nautan with P.S. Case No. 292/2024, with the condition :-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(ii). If the petitioner is found involved in similar nature of offence in the future, the prosecution will be at liberty to move for cancellation of his bail bonds.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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