

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15170 of 2025

Arising Out of PS. Case No.-224 Year-2024 Thana- BHAWANIPUR District- Purnia

1. Ajay Kumar Yadav S/o Sitaram Yadav Resident of Brahmgyani, PS- Bhawanipur, District- Purnea
2. Babloo Jha S/o Hira Jha Resident of Brahmgyani, PS- Bhawanipur, District- Purnea
3. Mina Khatoon W/o Md. Ishaq R/o vill - Dargaha, P.S.- Bhawanipur, Distt.- Purnea
4. Suresh Mandal @ Sure Mandal S/o Ganeshi Mandal Resident of Babhanchakka, PS- Bhawanipur, District- Purnea
5. Nitish Kumar S/o Awdhesh Yadav Resident of Brahmgyani, PS- Bhawanipur, District- Purnea
6. Dinesh Mandal S/o Rameshwar Mandal Resident of Parasmani, PS- Bhawanipur, District- Purnea
7. Md. Gaffar S/o Riyasat Ali Resident of Dargaha, PS- Bhawanipur, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim
For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-04-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bhawanipur Police Station Case No. 224 of 2024, registered for the offences under Sections 316(5)/318(4)/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report,



is that the PACS, Bhawanipur, Supaul, in which, petitioner no. 1 is Chairman, petitioner nos. 5 and 3 are Managers and rest of the petitioner nos. 2,4, 6 and 7 are members, procured 129.9 MT paddy during the Kharif Year 2023-2024, out of which 89.21 MT CMR was to be supplied to the Bihar State Food Corporation, Purnea, by 30.09.2024. However, PACS, Supaul, supplied only 29 MT CMR to BSFC, Purnea, and 42.2 MT rice to the concerned miller. It has further been alleged that despite several communication and directions, neither the stock was allowed to be inspected nor CMR was supplied by the PACS, Supaul, which shows that the PACS Committee, Supaul, has embezzled the paddy to the tune of 87.67 MT equivalent to a sum of Rs. 19,35,312/-.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged and in fact, the State Food Corporation refused to accept the CMR on the ground of quality, therefore, it was kept in the godown and in absence of proper direction, CMR kept in the godown got rotten. He next submits that the PACS Committee, Supaul, has already deposited a sum of Rs. 4,08,000/-, out of the total amount i.e. Rs. 19,35,312/-, in



the Central Co-Operative Bank Ltd, which would be evident from First Information Report itself. He further submits that the petitioners undertake to deposit rest of the amount i.e. Rs. 15,27,312/- within a period of one year i.e. in 12 equal installments.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the undertaking given by the petitioners that they are ready to pay Rs. 15,27,312/- in 12 equal installments, I am inclined to grant anticipatory bail to the petitioners, subject to the condition that petitioners shall pay Rs. 15,27,312/- in 12 equal installments in the concerned bank account and the first installment of Rs. 1,27,276/- shall be paid by the petitioners at the time of furnishing bail bond.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Bhawanipur Police Station Case No. 224 of 2024, subject



to the condition laid down under Section 482 (2) of the
Bhartiya Nagrik Suraksha Sanhita, 2023, with further
condition as mentioned hereinabove.

(Anil Kumar Sinha, J)

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