

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.15208 of 2025**

Arising Out of PS. Case No.-323 Year-2024 Thana- MAGADH MEDICAL COLLEGE  
District- Gaya

Kiran Kumari Wife of Shiv Kumar R/O Village- Kishunpura, P.S.- Magadh  
Medical, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Binay Kumar, Advocate  
For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH  
ORAL ORDER**

4      03-09-2025                      Heard Mr. Binay Kumar, learned counsel appearing  
on behalf of the petitioner and Mr. Ajit Kumar, learned APP for  
the State.

2. The petitioner seeks pre-arrest bail in connection  
with Magadh Medical P.S. Case No. 323 of 2024 registered for  
the offence(s) punishable under Sections 316(5), 318(4) of BNS  
and Section 7 of the Essential Commodities Act.

3. As per the allegation made in the FIR, it transpired  
that on physical verification, inquiry officer found the PDS shop  
of the petitioner locked at the time of inspection. A shortage of  
116 bags of wheat and 268 bags of rice total 191.75 quintals  
were found.

4. Learned counsel appearing on behalf of the



petitioner submitted that the actual stock has not been verified due to the fact that the petitioner had taken ill and the shop was admittedly closed. He admits that the same is violation of Bihar Targeted Public Distribution System (Control) Order, 2016. The petitioner was not given any opportunity and subsequently his licence was cancelled. Learned counsel submitted that upon perusal of the computer generated data, it would appear that the petitioner had distributed to the several beneficiaries in the month of October, particularly, on 08.10.2024, the date of inspection and the allegation that the shop was not open don't find its support from the transaction detail which is on the website of the FPS. The record also reveals that the petitioner has distributed among the beneficiaries, once the stock was received and in absence of any proper inspection, the allegation of shortage of wheat/rice in the PDS shop of the petitioner is not made out.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that the petitioner has closed the shop and same is violation of the Bihar Targeted Public Distribution System (Control) Order, 2016.

6. Having considered the rival submissions made on behalf of the parties, as well, having perused the allegation



made in the FIR and also the fact that computer generated data shows that the petitioner had distributed to the several beneficiaries in the month of October, particularly, on 08.10.2024, the date of inspection and the allegation that the shop was not open don't find its support from the transaction detail which is on the website of the FPS and in absence of any proper inspection, the allegation of shortage of wheat/rice in the PDS shop of the petitioner, **I am of the opinion if the computerized data relates to the petitioner PDS shop then in that case the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.**

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the learned District Court 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 learned Additional Chief Judicial Magistrate- V, Gaya / Concerned Court in connection with Magadh Medical P.S. Case No. 323 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the



petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

**(Purnendu Singh, J)**

Sanjay/-

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