

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20111 of 2025

Arising Out of PS. Case No.-437 Year-2023 Thana- PHULPARAS District- Madhubani

Upendra Narayan Yadav @ Upendra Prasad Yadav S/O Late Awadh Lal
Yadav R/O Village- Bathnaha, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The Dist. Manager SFC, State of Food Corporation, Madhubani Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash, Adv.
For the Opposite Party/s	:	Mr.Parmanand Kumar, A.P.P.
For the B.S.F.C.	:	Mr. Utkarsh Uttpal Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-05-2025 Heard learned counsel for the petitioner, learned
counsel for the S.F.C. and learned A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Phulparas P.S. Case No. 437 of 2023 registered on 23.08.2023 for the alleged offences under Section 420 and 409 of the Indian Penal Code.

03. As per prosecution case, the petitioner being the Chairman of PACS defalcated 522.212 metric ton paddy worth of Rs.1,07,83,677.80/- equivalent to 355.10 metric ton of Custom Milled Rice(CMR).

04. Learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek anticipatory bail from this Court as earlier the prayer for bail of the petitioner was rejected *vide* order dated 16.12.2024 passed in Cr. Misc. No. 82381 of 2023. At the outset, learned counsel for the



petitioner submits that petitioner has deposited Rs. 28,74,000/- with Bihar State Food Corporation. Learned counsel for the petitioner further submits that the petitioner undertakes to deposit the allegedly defalcated amount of Rs.1,07,83,677.80/- after adjusting the already paid amount of Rs. Rs.28,74,000/- which comes to Rs.79,09,677.80/- in six monthly installments and submits that the petitioner be enlarged on anticipatory bail.

05. Learned counsel for the Bihar State Food Corporation admits the fact of petitioner depositing Rs. 28,74,000/- with Bihar State Food Corporation.

06. Perused the record.

07. Earlier the prayer of the petitioner for anticipatory bail was rejected on merits. However, considering the undertaking of the petitioner through his learned counsel which is not opposed by the learned counsel appearing on behalf of the Bihar State Food Corporation, in the peculiar circumstances, the prayer of the petitioner for grant of anticipatory bail is allowed.

08. Let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the



Court of learned A.C.J.M.-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 437 of 2023, subject to the condition laid down under Section 482(2) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

09. However, this order is subject to payment of Rs.79,09,677.80/- in six equal monthly installments and 1st installment starting from 25.03.2025 to 15.05.2025 and rest of the amount in the similar manner on or before 15th of the succeeding months.

10. In case the petitioner fails to pay any of the installment, learned counsel for the State Food Corporation is at liberty to move for cancellation of bail of the petitioner.

(Arun Kumar Jha, J)

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