

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21147 of 2025

Arising Out of PS. Case No.-295 Year-2024 Thana- KESARIA District- East Champaran

Birendra Singh S/O Baidhyanath Singh @ Baijnath Singh Village-
Gawandari, Police Station- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar
For the Opposite Party/s :	Mr. Narsingh Tanti
For the State :	Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 223-04-2025
1.

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2.

This application, for grant of anticipatory bail, arises out of Kesariya Police Station Case No. 295 of 2024, registered for the offences under Sections 316(2)/316(5)/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3.

The prosecution case, as per the First Information Report, is that on physical verification on 10.09.2024, 280.25 MT of paddy worth Rs. 61,87,920/- was found misappropriated. The Manager and Chairman of the Patna PACS, East Champaran, Motihari, supplied 29 MT of CMR (Custom Milled Rice) instead of 235.45 MT CMR to the State Food Corporation and thereby misappropriated huge quantity of paddy.
4.

Learned counsel for the petitioner submits that the



petitioner is Manager of the Patna PACS. The Chairman, namely, Chandan Kumar, Patna PACS approached this Court for regular bail Cr. Misc. No. 86854 of 2024, accordingly, a Co-ordinate Bench of this Court has granted regular bail to him on 18.03.2025 with a condition that the sum of Rs. 61,87,920/- shall be refunded by the Chairman, Patna PACS, in 20 equal installments to be paid on 15th of every month. He further submits that the petitioner will also, in the capacity of Manager, ensure the repayment of the aforesaid amount to the Bank.

5. Having considered the submissions advanced by parties and the fact that the petitioner is Manager of the Patna PACS and the Chairman, Patna PACS, has been granted regular bail, I am inclined to grant anticipatory bail to the petitioner, subject to the condition that petitioner shall ensure that the entire amount of Rs. 61,87,920/-, as agreed by Chairman, shall be refunded in 20 equal installments and if the amount is not refunded the anticipatory bail of the petitioner shall be liable to be cancelled.
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, East Champaran, Motihari, in connection with Kesariya Police Station Case No. 295 of 2024, subject to the condition laid down under Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita, 2023, with further condition as mentioned herein-below.:

- i. The petitioner shall ensure that the Chairman, Patna PACS, namely, Chandan Kumar, shall return the sum of Rs. 61,87,920/- in the account of opposite party no. 2 in twenty equal installments which shall be paid by 15th of every month.
- ii. If the entire money is not deposited by the Chairman and/or the petitioner, the prosecution will be at liberty to move for cancellation of the anticipatory bail of the petitioner.

(Anil Kumar Sinha, J)

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