

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17473 of 2025

Arising Out of PS. Case No.-279 Year-2024 Thana- DUMARIAGHAT District- East
Champaran

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Dhiraj Kumar Mishra @ Dhiraj Kumar @ Dheeraj Kumar Mishra Son of
Chandra Kishore Mishra Resident of Village -Sareya Baduraha, PS
-Dumariyaghat, District -East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, FCI, Motihari Motihari

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
		Mr. Utkarsha Utpal, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-04-2025 Heard Mr. Karandeep Kumar, learned counsel for the

petitioner, Mr. Parmeshwar Mehta, learned Additional Public

Prosecutor for the State and Mr. Shailendra Kumar Singh,

learned counsel for the BSFC.

2. The petitioner is apprehending his arrest in
connection with Dumariyaghat P.S. Case No. 279 of 2024, F.I.R.
dated 13.11.2024 for the offences punishable under Sections
318(2), 316(2), 316(5), 3(5) of the B.N.S, 2023.

3. According to prosecution case, the petitioner
and other co-accused persons have embezzled the government
money by not paying Rs.53,49,836/- (Rupees Fifty Three Lakh



Forty Nine Thousand Eight Hundred and Thirty Six).

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is the Chairman of Dumariya PACS who purchased paddy upon the instruction of the department and as per FIR, the petitioner has not paid Rs. 53,49,836/- (Rupees Fifty Three Lakh Forty Nine Thousand Eight Hundred and Thirty Six). Learned counsel for the petitioner has annexed the bank statement which suggest that the petitioner has deposited Rs. 10,80,152/- (Rupees Ten Lakh Eighty Thousand One Hundred and Fifty Two) and as on date, total due amount is Rs. 42,69,684/- (Rupees Forty Two Lakh Sixty Nine Thousand Six Hundred and Eighty Four). He, on instruction, fairly submits that the petitioner is ready to deposit the aforesaid amount within a period of six months.

5. The learned Additional Public Prosecutor and learned counsel for the BSFC have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that petitioner has clean antecedent, let the petitioner, above named, in the event of arrest or surrender before the court below



within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 279 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. The petitioner is directed to deposit Rs. 10,00,000/- (Rupees Ten Lakh) at the time of furnishing the bail bond in the account of the Motihari Central Co-operative Bank Ltd. and learned court below shall verify the same before furnishing the bail bond. Rest amount of Rs. 32,69,684/- (Rupees Thirty Two Lakh Sixty Nine Thousand Six Hundred Eighty Four) plus interest amount, if any, shall be paid within a period of five months. If the petitioner fails to pay the aforesaid amount within the aforementioned period, then Motihari Central Co-operative Bank Limited has liberty to move before the appropriate forum for cancellation of the bail bond of the petitioner.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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