

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28511 of 2025

Arising Out of PS. Case No.-160 Year-2016 Thana- PANDARAK District- Patna

Nand Kumar Singh S/O Late Jairam Singh Resident of Dharhara, P.S.-
Dharhara, Dist.- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Civil Supplies Corporation Limited Dept, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bhim Sen Prasad
For the Opposite Party/s :	Mr. Parmeshwar Mehta
	Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2025 1. Heard learned counsel for the petitioner, the learned counsel appearing on behalf of the informant and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 409 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant, District Manager, B.S.F.C., alleges that petitioner after superannuation of his service from the Post of Cooperative Society Extension Officer, was appointed on contractual basis on the Post of Assistant Manager, B.S.F.C. and he works from 12.03.2014 to 06.06.2016 and thereafter, handed over the charge



to Sri Upendra Kumar, Assistant Manager on 06.06.2016 with less quantity of foodgrains. It is further alleged that petitioner misappropriated 122 quintals, 48 kgs., 700 grams of wheat and 528 quintals, 56 kgs, 358 grams of rice valued at Rs.2,77,678.05/- and Rs.16,18,461.75/- respectively, as such, the total loss of Government money is to the tune of Rs.18,96,139.75/-.

4. The learned counsel for the petitioner submits that petitioner had joined on the Post on contractual basis. It is further submitted that petitioner had a blemishless service record while he was in service. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that petitioner had given charge to Upendra Kumar on 06.06.2016, but the instant FIR came to be instituted on 21.12.2016 i.e. six months after handing over the charge, which cast an aspersion on the case of the prosecution. It is submitted that if the charge which was handed over by the petitioner to Upendra Kumar was with respect to less quantity of wheat and rice, in that event, the FIR ought to have been instituted promptly. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to establish his innocence.



5. Learned counsel for the informant as well as learned A.P.P. opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the FIR was instituted six months after the petitioner handed over the charge to Upendra Kumar.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Pandarak P. S. Case No.160 of 2016, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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