

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21976 of 2025

Arising Out of PS. Case No.-221 Year-2024 Thana- KASMA District- Aurangabad

Sumer Prasad son of Late Vidyanand Prasad village- Dugul, Ps- Kasma, Dist-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 28-04-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 406, 420 of the Indian Penal Code (corresponding to Section 316, 318 of BNS, 2023).

3. The informant, serving as the Cooperative Extension Officer, has alleged that the petitioner, in his capacity as Chairman of Digul PACCS, has misappropriated 134.60 metric tonnes of paddy valued at ₹29,71,968/- (Rupees Twenty-Nine Lakh Seventy-One Thousand Nine Hundred Sixty-Eight).

4. It is submitted by learned counsel for the



petitioner that the petitioner is innocent and he has falsely been implicated in the present case. It is further submitted that non supply of CMR is not a criminal offence but, is a matter of recovery. During course of the argument learned counsel for the petitioner submitted that petitioner is ready to pay fifty percent (50%) of the defalcated amount. Moreover, the petitioner is languishing in judicial custody since 11.01.2025. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. Petitioner is ready to pay fifty percent of the defalcated amount (ie. 50% of ₹29,71,968/- (Rupees Twenty-Nine Lakh Seventy-One Thousand Nine Hundred Sixty-Eight) in Central Cooperative Bank, Aurangabad/concerned bank within 03 months in two equal installments, which will be adjusted in final calculation of principle amount as well as interest incurred thereon as per the FIR.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on



provisional bail. The above named petitioner is directed to be enlarged on **provisional bail** in connection with Kasma P.S. Case No. 221 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad.

7. The bail bonds of the petitioner shall be accepted after verifying the receipt of payment of first installment.

8. After verifying the receipt of payment of fifty percent of the defalcated amount (ie. 50% of ₹29,71,968/- (Rupees Twenty-Nine Lakh Seventy-One Thousand Nine Hundred Sixty-Eight)), the Trial Court may confirm the provisional Bail granted to the petitioner.

9. The aforesaid payment will be subject to final adjudication of the case.

10. The instant Cr. Misc. No. 21976 of 2025 stands disposed off.

(S. B. Pd. Singh, J)

Nirajkrs/-

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