

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24166 of 2025

Arising Out of PS. Case No.-74 Year-2018 Thana- COMPLAINT CASE District- Lakhisarai

Sushil Kumar @ Sushil Singh Son of Late Nageshwar Prasad Singh @
Nageshwar Singh Resident of Village- Lodiya, P.S.- Lakhisarai, District-
Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Kamal Kishore Singh Son of Late Gauri Shankar Prasad Singh Resident
of Village- Lodiya, P.S.- Lakhisarai, District- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Murari Mishra, Advocate
For the State	:	Md. Ataur Rahman, APP
For the Complainant	:	Mr. Madhumay Madhup, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for
complainant/opposite party no.2.

2. In this present case, the petitioner seeks bail in
connection with Complaint Case No. 74C of 2018 registered for
the offences under Sections 420 and 406 of the Indian Penal
Code.

3. As per prosecution case, petitioner and other co-
accused persons claimed bonus from the PACS showing record
production of the crop and in this way got unjust enrichment.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is innocent and has been
falsely implicated in this case. The complainant of this case and



the petitioner are residents of same village and there is old enmity and political rivalry between them as the complainant lost the election and he has tried to harass the petitioner and others by making such allegations. Earlier also this complainant filed a case against the petitioner vide Lakhisarai P.S. Case No. 27 of 2015. Another F.I.R. was also lodged against the petitioner vide Lakhisarai P.S. Case No. 240 of 2012 with same allegation as made out in the present complaint case. Learned counsel further submits that petitioner and other co-accused persons being farmers have sold out their produce to PACS under the Government scheme and if any excess payment has been made to the petitioner, the same could be recovered. Petitioner is in custody since 07.03.2025. Petitioner is having antecedent of two cases in which he is on bail.

5. Learned A.P.P. as well as learned counsel for the complainant/opposite party no.2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the complainant submits that petitioner and other co-accused persons embezzled the amount of subsidy and also misappropriated the amount of bonus by wrongly claiming excess production of crop.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the nature of allegation and also considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.,-1st, Lakhisarai/concerned court in connection with Complaint Case No. 74C of 2018, subject to the conditions mentioned in Section 480(3) 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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