

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29203 of 2025

Arising Out of PS. Case No.-463 Year-2023 Thana- BATHNAHA District- Sitamarhi

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1. Kaushalya Devi Wife of Girbal Ray Resident of village -Narha PS- Bathnaha District -Sitamarhi
 2. Prince Kumar son of Sanjay Ray Resident of village -Narha PS- Bathnaha District -Sitamarhi

... .. Petitioners

Versus

1. The State of Bihar
2. The Co-Operative extension officer, Bathnaha, Dist-Sitamarhi

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Birendra Kumar, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-09-2025 Heard learned counsel for the petitioners, the State
and opposite party no.2.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 409, 420 and 34 of the Indian Penal Code.

3. As per the prosecution case, petitioners, being chairman and manager respectively of Narha PACS, had to deposit Custom Milled Rice (CMR) of 2125 quintal paddy from 39 farmers for year 2022-23 but CMR, equivalent to only 849.25 quintal paddy, was received in the godown of State Food Corporation. Thus petitioners misappropriated and defalcated paddy Rs. 2065 per quintal amounting to Rs. 26, 34, 423.75.

4. Referring to paragraph 15 of the bail petition, it is submitted on behalf of the petitioners that petitioners have



already deposited Rs. 4.20 lacs in C.C.P. A/C No. 000115003100011 of Narha PACS, Sitamarhi out of Rs.26,34,423/- and they are ready to deposit rest amount of Rs. 22,14,423.75 and hence a sympathetic consideration may kindly be given to them.

5. Considering the averments made by petitioners in paragraph 15 of the bail petition that petitioners are ready to deposit rest amount of Rs. 22,14,423.75, in the event of arrest/surrender within eight weeks from today, let both the petitioners, mentioned above, be enlarged on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Sitamarhi in Bathnaha Police Station Case No. 463 of 2023, subject to the conditions laid down under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 as well as on following conditions:-

(i) At the time of furnishing bail bond, Rs. 1 lac (total) shall be deposited by these petitioners in the aforesaid A/C of Narha PACS, Sitamarhi and its receipt shall be submitted with the bail bonds.

(ii) Thereafter, Rs. 50,000/- per month shall be deposited by both the petitioners till they deposit remaining



amount of Rs. 21,14,423.75.

(iii) If these petitioners fail to comply with the aforesaid direction of this Court, court below shall be at liberty to cancel their bail bonds.

(iv) As and when petitioners deposit the entire amount as indicated above, their provisional bail shall be confirmed by the court below.

(6) These deposits are without prejudice to the case of these petitioners and shall be subject to final outcome of the criminal case.

(Prabhat Kumar Singh, J)

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