

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34410 of 2025

Arising Out of PS. Case No.-61 Year-2019 Thana- PIPRA District- East Champaran

Dayanidhi Chaubey S/o Shiv Shankar Chaubey R/o Village- Bella, PO-
Krishanagardh, PS- Mufassil Ara, District- Bhojpur at Ara

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Cooperative Market Union, Biscomaun Bhawan, West
Gandhi Maidan, Patna Through the Secretary

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 19-08-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the Biscomaun, Mr. Vikash Kumar.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 409
and 420 of the Indian Penal Code read with Section 138 of the
N.I. Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that petitioner who was posted as Regional Officer,
Motihari was In-Charge of Farmer Service Center of
Chintamanpur, Pipra and Motihari since 26.12.2017 and the



petitioner, connived with PACS Chairman, Chintamanpur PACS namely Jai Prakash Singh and misusing his post, sold 20 metric ton DAP and 20 metric ton APS on credit to the aforesaid three Farmers Service Center on credit, it is further alleged that Jai Prakash Singh had fraudulently prepared a fertilizer order in the name of M/s. Kushwaha Traders and received the fertilizer, further Kushwaha Traders who is a nominal member of Biscomaun has refused any demand of fertilizer, further Jai Prakash Singh issued cheque of Rs. 8,17,200/- which bounced, as such it is alleged that still Rs. 7,24,600/- is due against Jai Prakash Singh who got the fertilizer issued in connivance with the petitioner.

4. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that in sum and substance the informant alleges that petitioner being Regional Officer, In-charge of three Farmers Service Center in connivance with the PACS Chairman of Chintamanpur PACS had supplied the fertilizer on credit. It is submitted that what is in dispute rather stands admitted is that the supply of the fertilizer was made by the petitioner to the Chairman, PACS Chintamanpur. It is next submitted that had the petitioner been involved in the occurrence in that event the



petitioner would not have created evidence against himself. It is also submitted that since the Chairman of the PACS had ordered for fertilizer hence the fertilizer was supplied. It is also submitted that Jai Prakash Singh had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 28426 of 2022 and the same was allowed by an order dated 19.09.2022 by a learned Co-ordinate Bench with a condition that Jai Prakash Singh at the time of surrender, pay an amount of Rs. 4 Lakhs and further shall pay the rest due amount of Rs. 4,17,200/- within next three months. It is submitted that Jai Prakash Singh has already cleared the dues which amply demonstrates that petitioner was not involved in the occurrence or else Jai Prakash Singh would not have accepted the burden of paying the amount.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the Biscomaun opposes the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that Jai Prakash Singh accepted the onus of making the payment and has cleared the dues.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pipra P.S. Case No. 61 of 2019 subject to the conditions as laid down under Section 482 (2) of BNSS.

7. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

