

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33235 of 2025**

Arising Out of PS. Case No.-275 Year-2022 Thana- NAANPUR District- Sitamarhi

Laxman Mahto @ Lakshman Mahto son of Chathru Mahto Village- and Po-  
Gaura, Ps- Nanpur, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar

2. The District Manager, Bihar State Food Corporation, Sitamarhi

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

For the BSFC : Mr. Nirmal Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      26-09-2025                      Heard learned counsel for the petitioner, informant  
and the State.

2. Petitioner apprehends arrest in a case registered for  
the offences punishable under Sections 409/34 of the Indian  
Penal Code.

3. Informant, namely, Kumar Rakesh Kiran alleges  
that this petitioner, who is executive member of Gaura PACS,  
along with other co-accused persons purchased total 277  
quintals of wheat for the year 2022-23 which was not supplied  
to the Bihar State Food Corporation and as such, petitioner  
defalcated government money of Rs. 5,58,155/-.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and has committed no offence. During



course of physical verification of the godown, total 125 quintals of wheat was found and the same was seized by the informant and deposited in his office. He further submits that as per the calculation of the informant himself, Rs. 3,03,155- was due on the head of co-accused Sanjay Kumar, Chairman and this petitioner which is being paid by co-accused Sanjay Kumar, Chairman of Gaura PACS and he has already been granted anticipatory bail by this Court *vide* order dated 08.08.2023 passed in Cr. Misc. No. 72017 of 2022. Rest of the amount claimed by the informant is disputed by the petitioner.

5. Learned A.P.P. for the State as well as learned counsel for the BSFC vehemently opposed the bail application.

6. Considering the fact admitted defalcated amount is already being paid by co-accused Sanjay Kumar, Chairman of Gaura PACS, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Nanpur P. S. Case No. 275 of 2022 corresponding to GR No. 642 of 2022,



subject to condition as laid down under Section 482(2) of the  
Bharatiya Nagarik Suraksha Sanhita, 2023.

**(Prabhat Kumar Singh, J)**

Navya/-

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