

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45990 of 2025

Arising Out of PS. Case No.-333 Year-2024 Thana- UDAKISHUNGANJ District-
Madhepura

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1. Raj Kishore Thakur S/o Late Dinesh Thakur R/o vill - Baijnathpur, Budhma, P.s. - Udakishunganj, Distt- Madhepura
 2. Mahendra Nishad @ Mahendra Singh S/o Late Saryug Singh R/o vill - Baijnathpur, Budhma, P.s. - Udakishunganj, Distt- Madhepura
 3. Binod Bhagat @ Vinod Kumar Bhagat S/o Jagarnath Bhagat R/o vill - Baijnathpur, Budhma, P.s. - Udakishunganj, Distt- Madhepura
 4. Dropati Devi W/o Late Dinesh Thakur @ Ramji Mandal R/o vill - Baijnathpur, Budhma, P.s. - Udakishunganj, Distt- Madhepura
 5. Bachchan Mandal @ Bechan Mandal S/o Late Akal Mandal R/o vill - Baijnathpur, Budhma, P.s. - Udakishunganj, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

: Mr. Manoj Kumar, Adv.

: Mrs. Pooja Prasad, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-07-2025

1. Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Udakishunganj Police Station Case No. 333 of
2024, disclosing offences under Sections 406, 420, 379, 34 of
the Indian Penal Code.

3. As per the FIR, for marketing season 2023-24,
10558.22 quintal of paddy was purchased by the Budhma
PACS. Instead of 7179.59 quintal of CMR rice which is



equivalent to the paddy, only 3480 quintal of CMR has been provided by the PACS to the Bihar State Food Corporation (BSFC). The balance 3699 quintal of CMR has not been provided by the PACS. On 26.03.2024, the PACS Chairman died and before his death, 3480 quintal of CMR was given to BSFC and 5567 quintal of paddy was given to the rice mill. After the death of the Chairman, the godown was found locked and the Manager and the son of the PACS Chairman did not provide any specific information regarding the balance quantity of CMR rice. When the physical inspection of the godown was conducted, nothing was found inside it. It has further been alleged that the Manager and the son of the PACS Chairman has misappropriated 4990.68 quintal of paddy which is equivalent to a sum of Rs. 1,10,19,421.44/-. It has further been alleged that the members of the Executive Committee did not supervise and inspect periodically the supply of CMR to the BSFC.

4. Learned Counsel for the petitioners submits that the petitioners are elected members of the Executive Committee and they are only concerned with the policy decision taken in the Committee. The sale and purchase of paddy/CMR rice are the primary duty of Chairman and the Manager. In the FIR, after the death of the Chairman, his son took over the activities of the



godown and in the FIR, it is specifically been alleged that PACS Manager and the son of the deceased PACS Chairman have misappropriated the paddy/the amount equivalent to it. The PACS Chairman during his lifetime, did not call any meeting of the Executive Committee. The Executive Committee members are not the custodial of the godown where the purchased paddy is kept and CMR equivalent to the paddy is provided to the BSFC.

5. Learned counsel for the State submits that the petitioners are named in the FIR and they are Executive Members of the PACS in question. A huge amount of Rs. 1,10,19,421.44/- has been misappropriated by the son of the PACS Chairman and the Manager including the petitioners.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the specific allegation in the FIR that Manager and Son of the PACS Chairman have misappropriated the paddy/CMR rice and the petitioners are only elected members of the Executive Committee, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioners, above named, in the event of



their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Udakishunganj, Madhepura, in connection with Udakishunganj Police Station Case No. 333 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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