

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55998 of 2025

Arising Out of PS. Case No.-49 Year-2023 Thana- PUWAKHALI District- Kishanganj

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Golu Devi @ Golo Devi @ Golowati Devi W/O Sahab Lal Ganesh R/O Village- Bhalmara, P.S- Paukhali, Distt.- Kishanganj. At present R/O Village- Saraikuri, ward No. 04, P.S- Powakhali, Distt.- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Managing Direct, Bihar State Food Corporation Limited Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar, Advocate
		Mr. Kumar Shubham Raj, Advocate
For the OP No. 2	:	Mr. Nirmal Kumar, Advocate
For the State	:	Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner, learned counsel for the Opposite Party No. 2 and learned APP for the State.

2. The petitioner is apprehending arrest in connection with Powakhali P.S. Case No. 49 of 2023, dated 28.09.2023, lodged under Sections 409, 420 and 34 of the Indian Penal Code & under Sections 40 & 41 of the Bihar Co-operative Societies Act, 1935.

3. As per the prosecution, FIR has been lodged against two named accused persons, including the present petitioner, with the allegation that they have committed defalcation against the Bihar Government to the tune of Rs. 34,89,850/-, while serving as the Chairperson and the Manager (Executive Member) of the PACS.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the process of grain distribution has been developed in such a way that non-payment has occurred. He also submits that, in any view of the matter, the petitioner is ready to deposit 50 per cent of the defalcated amount, i.e., Rs. 17,44,925, before the respective Co-operative Bank.

5. Learned counsel for the Opposite Party no. 2 opposes the prayer for bail but fairly submits that if the petitioner is ready to deposit 50 per cent of the defalcated amount, i.e., Rs. 17,44,925, then the said payment has to be made to the Co-operative Bank of the Co-operative Department, Government of Bihar, from where the entire transaction used to take place.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the complaint has been made by the District Co-operative Officer cum Assistant Registrar, Co-operative Society, Kishanganj, and subsequent orders have been issued by the District Magistrate, Kishanganj vide letter No. XIX-26/2022-601 dated 21.09.2023.

7. In light of the submissions made above, the petitioner is hereby directed to deposit the said amount, i.e., Rs.



17,44,925, before the concerned Co-operative Bank of the Co-operative Department, Government of Bihar, within six weeks from today.

8. It is hereby directed to the Trial Court that if the petitioner deposits the said amount, i.e., Rs. 17,44,925, before the concerned Co-operative Bank of the Co-operative Department, Government of Bihar, with respect to the aforesaid loss within the said period, then the Trial Court, **upon being provided with proof of deposit**, shall release the petitioner on anticipatory bail in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023, to the satisfaction of J.M. 1st, Kishanganj, in connection with Powakhali P.S. Case No. 49 of 2023, subject to the conditions laid down under Section 482(2) of the BNSS, 2023.

9. It is made clear that the deposit of the said amount shall not make any effect on the trial.

(Dr. Anshuman, J.)

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