

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61977 of 2025

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

Md. Wasim Akhter @ Md. Wasim Akhtar S/o Late Md. Shafique Alam @
Mohammad Shafique R/o Village - Saraikuri, Ward no. 03, P.S - Powakhali,
District - Kishanganj

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 09-09-2025 Learned counsel for the petitioner is permitted to
make necessary correction/s in paragraph no. 1 of the present
bail application during course of the day.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner seeks bail in connection with
Powakhali P.S. Case No. 49 of 2023 instituted for the offences
under Sections 409, 420, 34 of the Indian Penal Code and
Sections 40, 41 of the Bihar Co-operative Societies Act, 1935.

4. Prosecution case, in short, is that two accused
persons including the petitioner 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.

5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that petitioner is the Chairman of the PACS and the allegation levelled against the petitioner is false and concocted. Learned counsel further submitted that the co-accused person, namely, Golu Devi has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 27.08.2025 passed in Cr. Misc. No. 55998 of 2025 with the condition that she would deposit 50 percent of the defalcated amount before the concerned co-operative bank. Learned counsel further submitted that petitioner has not misappropriated the paddy to the tune of Rs. 34,89,850/-, however, petitioner is ready to deposit 50 percent of the defalcated amount before the concerned co-operative bank, if released on bail. It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.07.2025 and has no criminal antecedent.

6. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner and since the petitioner is ready to deposit 50 percent of the defalcated amount before the concerned co-operative bank, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Powakhali P.S. Case No. 49 of 2023, subject to the following conditions-

(I) Petitioner shall deposit 50 per cent of the defalcated amount, i.e. Rs.17,44,925/- before the concerned Co-operative Bank of the Co-operative Department, Government of Bihar, out of which Rs. 1,44,925/- shall be deposited by the petitioner before furnishing his bail bonds and the remaining amount, i.e. Rs. 16,00,000/- (rupees sixteen lakhs) shall be deposited within three months after his release on bail.

(II) One of the bailors shall be own/close member of the family of the petitioner.

(III) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on



two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(IV) In case the petitioner fails to deposit the aforesaid amount, i.e. Rs. 17,44,925/- before the concerned cooperative bank within three months after his release on bail, the Trial Court shall have liberty to cancel the bail bonds of the petitioner.

9. It goes without saying that the aforesaid amount to be returned by the petitioner shall remain subject to the final outcome of the trial case.

(Rudra Prakash Mishra, J)

Alok Verma/-

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