

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70613 of 2025

Arising Out of PS. Case No.-105 Year-2024 Thana- SIGAUDI District- Patna

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AMIT KUMAR S/o- Brij Kishore Sharma @ Brijkishore sharam Resident of
Neriya Ps- Sigori Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar & Anr.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms.Arya Achint, Adv
For the Opposite Party/s	:	Mr.Manoj Kumar, APP
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 04-12-2025 **1.** Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the Bihar State Food and Civil Supplies Corporation (BSFC).
- 2.** The petitioner apprehends his arrest in connection with Singori PS Case No. 105 of 2024, registered for the offences punishable under Sections 318(4), 316(5), 3(5) of the Bharatiya Nyaya Sanhita.
- 3.** Learned counsel appearing on behalf of the BSFC submits that the case was taken up on 3-11-2025, when BSFC was added as OP No. 2. It is next submitted that from perusal of the order dated 3-11-2025, it would manifest that a specific submission was made by the learned counsel appearing on behalf of the petitioner that documentary evidence to



substantiate that an amount of Rs. 66,22,807.68/- has been deposited with the bank by the PACS shall be brought on record, as the allegation in the FIR is that during inspection of Chiksi PACS Godown on 7-8-2024, it transpired that against allotted amount of paddy 848.826 MT, only 377 MT was supplied to the SFC, 299.946 MT paddy should have been available in the Godown, but the same was found short, thus it was alleged that an amount of Rs. 66,22,807.68 was misappropriated. The learned counsel submits that thereafter the case was taken up on 17-11-2025, when a week's time was sought by the BSFC for filing counter affidavit. It is next submitted that thereafter the case was taken up on 27-11-2025, but prior to that a counter affidavit was filed after serving a copy on the learned counsel counsel appearing on behalf of the petitioner. It is submitted that on 27-11-2025 the plea of the BSFC that Amit Kumar, Chairman, Chiksi PACS had misappropriated paddy weighing 299.946 MT and that an amount of Rs. 66,22,807.68 which is due to the PACS has not been paid was vehemently denied by the petitioner, as stand recorded at Para-3 of the order dated 27-11-2025. It is next submitted that a specific submission was also made by the learned counsel appearing on behalf of the petitioner that the misappropriated amount stands paid by the



petitioner and a week's time was sought for filing reply to the counter-affidavit bringing on record the entire documentary evidence to substantiate that an amount of Rs. 66,22,807.68 has been credited in the account of the PACS.

4. The learned counsel appearing on behalf of the BSFC next submits that it absolutely does not stand to reason that if it is the plea of the petitioner that an amount of Rs. 66,22,807.68 stands paid then why no documentary evidence was brought on record in the anticipatory bail application to substantiate the said submission. It is also submitted that despite time being granted to the petitioner, till date no documentary evidence on record has been brought to substantiate the said plea. It is submitted that on 27-11-2025 a week's time was sought by the petitioner for bringing on record the documents substantiating his plea but today when the case is taken up the documentary evidence still has not been brought on record.

5. The learned counsel appearing on behalf of the petitioner submits that on 27-11-2025 itself the petitioner had met with an accident and received injury on his elbow and knee and accordingly got treated at Maa Sharda Medical Hall by one Tiju Yadav who is not a doctor, on which the learned APP submits that it appears that the injury was not such that it



required medical attention rather required first aid only.

6. The learned counsel for the petitioner, at this stage, submits that since petitioner met with an accident, as such the documentary evidence could not be brought on record.

7. After hearing the learned counsel for the parties, the court is in complete agreement with the submission made by the learned counsel appearing on behalf of the BSFC that had any documentary evidence been with the petitioner substantiating that the misappropriated amount has been paid, the same would have been brought on record when the anticipatory bail application was filed and the fact that in the counter affidavit, a specific stand has been taken that the amount has not been paid, as such the Court has no reason to disbelieve the stand taken in the counter affidavit, as such the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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