

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82221 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- FALKA District- Katihar

Pramod Kumar Jha Son of Purandhar Jha Resident of Village- Giriyam, P/S-
Falka, District- Katihar.

... .. Petitioner

Versus

1. The State of Bihar
2. The District Cooperation Officer, Katihar District- Katihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Prakash Sharma, Advocate

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

Mr. AK Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 24-09-2025 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under Sections 406, 420, 409 of the
Indian Penal Code.

3. As per prosecution case, pursuant to order
contained in memo no. 70 dated 18.1.2024 of the District
Collector, Katihar, a three members enquiry team headed by
informant conducted an enquiry of Bharsia PACS, block Falka
and found that Barsia Pacs purchased 649.000 MT paddy for the
year 2022 – 23 but supplied only 380.870 MT Paddy to miller. It
is further alleged that total 268.130 MT Paddy has been
misappropriated by the Chairman and Manager (petitioner) of
Bharsia PACS and the cost of misappropriated Paddy is Rs.
53,86,884.50/- .

4. Learned counsel for the petitioner submits that
paddy is perishable item and since advance paddy was not given
to the petitioner, as as result of which he could not give



proportionate paddy to the rice miller which led to some paddy remain in godown to rot and deteriorate. However, learned counsel for the petitioner submits that petitioner is manager of PACS in question and, without prejudice, he is ready to pay 25 per cent of the alleged liability as mentioned in the F.I.R., bearing Falka PS Case No. 99 of 2024 dated 03.05.2024 in installments for the present.

5. Learned counsel for the State and opposite party no.2 oppose the prayer for bail. Learned counsel for opposite party no.2 submits that vide order dated 12.3.2024, passed by the Co-operative Extension Officer, informant herein, in Award case no. 172 of 2023, direction has been given to recover alleged amount through certificate case under Bihar and Orissa Public Demand Recovery Act. Similarly situated co-accused accused, has been granted bail by this Court vide order passed in Cr.Mis.No. 80753/2024 with direction to deposit 25% of the defalcated money.

6. Considering the aforesaid contention made on behalf of the petitioner, 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 Additional Judicial Magistrate Katihar in connection with Falka P. S. Case No. 99 of 2024, subject to condition as laid down under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with direction to the petitioner that he shall refund Rs. 4,00,000/- (four lakhs) through Bank Draft in the Office of District Cooperative Officer Katihar at the time of furnishing bail-bond and thereafter, rest



amount i.e., 8,50,000/- (eight lakh fifty thousand) shall be deposited in 5 installments within two years through Bank Draft to the informant, failing which, the learned court below would be at liberty to cancel the bail-bond.

7. It is made clear that without going into the merit of the case, this order has been passed for the purpose of bail and payment of aforesaid amount shall be subject to the final outcome of the case.

(Prabhat Kumar Singh, J)

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