

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90031 of 2024

Arising Out of PS. Case No.-287 Year-2017 Thana- CHANPATIA District- West Champaran

1. Arun Kumar Ojha @ Arun Ojha son of Late Nayan Ojha @ Late Nain Ojha Resident of Vill- Yadav Chhapar, P.S.- Chanpatia, Dist- West Champaran
2. Chandrabhan Kumar Rai son of Subhash Chandra Rai Resident of Vill- Vangaha, P.S.- Chanpatia, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food and Civil Supplies Corporation Ltd. through its chairman bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sanjeev Kumar, Adv.
For the State	:	Mr. Parmeshwar Mehta, APP
For B.S.F.C.	:	Mr. Shailendra Kr. Singh, Adv. with Mr. Utkarsha Utpal, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-02-2025 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of opposite party no. 2/B.S.F.C.

2. The petitioners apprehend their arrest in a case punishable for the offence under Sections 409 / 420 of the Indian Penal Code.

3. It is alleged that in the year 2016-17, Lohiyaria PACS purchased 1316 quintal paddy from 23 farmers and supplied only 806 quintal of paddy to Bihar State Food Corporation and thus, embezzled sale proceed of 510 quintal of paddy.



4. Learned counsel for the petitioners submits that petitioner no. 1 was Chairman and petitioner no. 2 was Manager of the PACS at the relevant time and have been falsely implicated in this case. As a matter of fact, the PACS have made all payments to the farmers and no due is left to be paid. He further submits that on account of bad condition of the godown, some paddy was destroyed. However, in paragraph – 9 of the bail petition, learned counsel for the petitioners fairly submits that petitioners are ready to deposit the alleged amount i.e. **Rs. 7,34,000/-** (Rupees seven lacs thirty four thousand) in 12 installments, for which, learned counsel for the opposite party no. 2/B.S.F.C. does not oppose.

5. In view of undertaking given by petitioners that they are ready to deposit the defalcated amount, the prayer for anticipatory bail of petitioners is allowed.

6. Accordingly, let the above named petitioners, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - V, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 287 of 2017, subject to condition as laid down under Section



438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioners shall deposit **Rs. 1,34,000/-** (One lac thirty four thousand) in the *Nazarat* of concerned Civil Court and receipt of the same shall be furnished alongwith bail-bonds.

(B) Rest amount i.e. **Rs. 6,00,000/-** (Six lacs) shall be deposited in the *Nazarat* of concerned Civil Court in six equal installments of **Rs. 1,00,000/-** (one lac) each within a period of one year from the date of furnishing bail-bonds.

(C) The aforesaid payment shall be subject to final outcome of the case.

(D) If petitioners fail to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bonds of the petitioners.”

7. This order has been passed, without going into the merit of the case, only for the purpose of considering the prayer for anticipatory bail of petitioners.

(Prabhat Kumar Singh, J)

anay

U		T	
---	--	---	--

