

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6615 of 2026

Arising Out of PS. Case No.-109 Year-2025 Thana- Baijnathpur District- Saharsa

Sanjay Kumar Son of Late Jawahar Ram R/o Village - Tiri, P.S. - Baijnathpur,
Dist. - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suman Kumar Jha, Advocate
	:	Ms. Rupali Jha, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-04-2026 Heard Mr. Suman Kumar Jha, learned counsel
for the petitioner and learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Baijnathpur P.S. Case No. 109 of 2025 registered for the offence under Sections 316(2), 315(5) and 318(4) of the Bharatiya Nyaya Sanhita and section 7 of the Essential Commodities Act, lodged on 11.09.2025 by the informant, Md. Danish Raza.

3. As per the prosecution story, the Supply Inspector visited the Fair Price Shop of the petitioner and found that against 135.04 quintals of wheat and 153.94 quintals of rice, the availability was only 7.5 quintals and 40 quintals respectively.



This led to the F.I.R..

4. Learned counsel for the petitioner submits that given a chance, he would have satisfied the officer concerned, instead, the F.I.R..

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Though there is allegation against the petitioner and it is unfortunate that scheme meant for the poor section of the society for those who otherwise are unable to feed themselves and the Government have come up with the scheme, the allegation is of siphoning of the food grains. However, since the petitioner has shown his inclination to settle the matter with the opposite party, a chance has to be given.

7. The petitioner will be appearing before the District Supply Officer, Saharsa on 20.04.2026 at 11 AM in his/her office whereafter the officer shall be free to fix further date according to his/her convenience. The documents available on record shall be served upon the petitioner who in turn shall give details of the beneficiaries. The missing food grains have to be compensated by the petitioner by paying the amount. With the aforesaid observation, in that background, this Court is inclined to extend him the privilege of anticipatory bail.



8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saharsa, in connection with Baijnathpur P.S. Case No. 109 of 2025 subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

(ii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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