

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10476 of 2026

Arising Out of PS. Case No.-99 Year-2015 Thana- BUXAR MUFFSIL District- Buxar

Brahmeshwar Chauhan @ Brahmeshwar Nath Chauhan S/O Late Ram Darash Chauhan (Proprietor M/S Cauhan Mini Rice), R/O Village and P.O- Nadaon, P.S- Buxar (Muffasil) Distt.- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. District Manager, Bihar State Food and Civil Supplies Corporation Limited, Buxar P.S- Buxar, Distt.- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 23-02-2026 Heard Mr. Ganesh Prasad Singh, learned counsel for the petitioner and Mr. Binod Kumar, learned APP for the State.

2. The petitioner has prayed for bail in connection with Buxar (M) P.S. Case No. 99 of 2015 registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

3. The case of the prosecution in short is that the petitioner lifted 12157.40 quintal of paddy for milling and he has to deposit 8145.46 quintal CMR rice to SFC but he has only deposited 270.00 quintal of CMR rice. The petitioner had to give rest 7875.40 quintal CMR rice worth Rs. 1,49,88,020/-.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He further submits that earlier the petitioner was granted anticipatory bail by the learned coordinate bench of this Court vide Cr. Misc. No. 21172 of 2015. However, as the record of the learned trial court kept transferring, he could not ascertain the court before which he was required to surrender. The bail of the petitioner was rejected when he surrendered. On being asked as to whether he is ready to comply the conditions which are there in the order of the learned coordinate bench, the learned counsel for the petitioner submits that the petitioner is presently in custody and undertakes to comply with the said conditions after his release from jail. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 15.10.2025.

5. The application for bail is vehemently opposed by the learned counsel for the SFC and the learned APP for the State. Learned counsel for the SFC has stated that the petitioner has delayed in surrendering the learned trial court and has also not complied the conditions as laid down in the order of the learned coordinate bench of this Court.



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail **with the condition that the petitioner shall deposit 20% of the total amount in monthly installments over one year.** The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XI-cum-Special Court careless Rice Miller, Patna in connection with Special Case No. 100 of 2017 arising out of Buxar (M) P.S. Case No. 99 of 2015.

(Ashok Kumar Pandey, J)

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