

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18006 of 2026

Arising Out of PS. Case No.-147 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Hemant Jha @ Hemant Kumar Jha Son of Phul Jha Resident of Village -
Baghrasi, P.S.- Jamalpur, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, State Food Corporation, Darbhanga. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Avinash Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2026 Heard Mr.Avinash Kumar Singh, learned counsel

appearing for the petitioner, Mr. Shailendra Kumar Singh,

learned counsel for the BSFC and Mr.Pramod Kumar Pandey,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kusheshwar Asthan P.S.Case No.147 of
2022,FIR dated 27.04.2022 registered for the offences
punishable under Sections 406,409,420 of IPC.

3. As per FIR, petitioner is named in the FIR with
allegation to embezzlement of total price Rs. 6,23,43,279.00 as
11,713.84641 quintal wheat and net 9158.35079 quintal rice was
misappropriated from the TPDS, Godown, State Food



Corporation Kusheshwar Asthan, Darbhanga.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Initially, the petitioner was not named in the FIR. The name of the petitioner has been transpired during investigation. Learned counsel for the petitioner submits that from a bare perusal of the FIR it appears that the defalcation is alleged to have been committed between 2020-2022 and petitioner was posted in the said Godown in question only for seven months as Data Entry Operator. From a bare perusal of the FIR it appears that there is no allegation against the petitioner in the FIR and allegation of defalcation is against co-accused person, namely, Anshuman Rai and he has been granted privilege of anticipatory bail by this Court vide order dated 09.10.2023 passed in Cr. Misc. No.50787 of 2022.

5. Learned counsel for the BSFC and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation against the petitioner



in the FIR and co-accused person has been granted privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Biraul at Darbhanga in connection with Kusheshwar Asthan P.S.Case No.147 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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