

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29707 of 2025

Arising Out of PS. Case No.-72 Year-2015 Thana- BIHRA District- Saharsa

Md. Jahangir Alam S/O Late Kalimullah R/O - House No.57, Gram - Fatepur
Chain, Gangua Ward No.09 Saran, Bihar

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Senior Advocate

Mr.Sourav Suman, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 9 17-02-2026 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 406, 409 and 420 of the IPC.
3. Prosecution case in brief is that Kaushal Kishore Singh, District Manager, SFC, Saharsa submitted written report to the S.H.O., Bihra P.S. vide letter No.488 dated 16-04-2015 wherein it is alleged that the proprietor of M/S PACS Rice Mill, Bijapur, Block Sattarkatiya, Saharsa and the District Manager, SFC, Saharsa jointly executed an agreement for the KHARIF marketing year 2012-13 and as per agreement the proprietor of rice mill received 34410.00 quintals Paddy from the Bihar State Food Corporation and the Miller had to supply 67% of C.M.R. which is 23054.70 quintal to the BSFC, Saharsa but till the stipulated period, the Miller supplied only 5131.03 quintal CMR and misappropriated the rest CMR i.e. 17923,67 quintals valued at the rate of Rs.2165.56 per quintal comes to the time of



Rs.3,88,14,783.00.

4. It is submitted on behalf of the petitioner that the petitioner is not named in the F.I.R.. The petitioner was posted in the Saharsa District as a senior Deputy Collector and was discharging multiple administrative responsibilities, including being in-charge of Treasury Officer, Urdu Branch, Banking Branch and other allied duties, apart from regular assignment. He was given additional charge of the incharge District Manager, S.F.C., Saharsa for a very short period i.e. 5-10-13 to 18-02-14. Learned counsel submitted that after taking charge, it came to the petitioner's notice that at certain procurement centres, namely Sattar Kataiya and Saurbazar, the procurement centre in-charge and assistant had already handed over paddy to the miller on the miller's pad without issuance of Store Issue Order, resulting in discrepancies in stock registers. Concerned procurement centre officials informed that the quantity of procured paddy had exceeded storage capacity and there was imminent risk of damage due to rainfall, therefore, to prevent wastage of government property, the paddy was handed over to the miller in anticipation of issuance of Store Issue Order, and the miller had issued receipts on his own pad only, as such, he cannot be held responsible for the alleged misappropriation. Since, petitioner was acting in the capacity of incharge District Manager, SFC, Saharsa, he did not issue any SIO in favour of any miller. It is submitted that at best it is a case of administrative lapse on the part of the petitioner. Learned counsel submits that, without admitting his guilt and without prejudice to his right and contention, petitioner is ready to deposit Res. 5 lacs in instalments in the Nazarat of the concerned Civil Court, subject to outcome of the case.



5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, be enlarged on **provisional bail** on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga in Bihra (Saharsa) Police Station Case No. 72/2015, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on following conditions:-

(i) At the time of furnishing bail bond, Rs. 2.50 lacs shall be deposited by the petitioner in the Nazarat of the Court below.

(ii) Rest amount of Rs. 2.50 lacs shall be deposited by the petitioner in five equal installments within succeeding five months.

(iii) If the petitioner complies with the conditions, court below shall confirm the provisional bail, otherwise court below shall be at liberty to cancel the bail bonds of the petitioner.

6. It is made clear that without going into the merit of the case, aforesaid order has been passed only for the purpose of grant of bail and this deposit would be subject to the final result of the criminal case or recovery case, pending if any.

(Prabhat Kumar Singh, J)

Shashi

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

