

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48825 of 2024

Arising Out of PS. Case No.-279 Year-2017 Thana- LAHERIMUHALLA District- Nalanda

Shayamdev Prasad (Chairman, Nahub PACS), Son of Late Ram Birchhh
Prasad, Resident of Village- Satokhari , P.S- Chhabilapur, Dist- Nalanda

... .. Petitioner

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food Corporation Ltd. Nalanda at Biharsharif.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Raj Kishor Prasad, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP
For the SFC	:	Mr. Shailendra Kumar Singh, Advocate
		Mr. Utkarsh Utpal, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

19 29-01-2026 Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the State duly assisted by learned counsel appearing for State Food Corporation (in short 'SFC').

2. The accused/petitioner is not named in the FIR and apprehending his arrest in connection with Laheri P.S. Case No.279 of 2017 lodged for the offences punishable under Sections 409 read with 34 of the Indian Penal Code.

3. As per FIR, which instituted on behalf of D.M., Bihar Sharif in terms of Letter No.4076 dated 28.06.2017 that while he inspected the State Food Corporation's Godown,



Nalanda upon verification, found that only 59279.50 quintal Custom Milled Rice (in short 'C.M.R.') was found instead of 76203.71 quintals of rice and as such, 16768.50 quintal of rice was found missing. Standard of rice was also alleged to be found of compromised quality. The D.M. Bihar Sharif has directed to lodge the FIR against Ranjit Kumar, Godown Superintendent-cum-A.G.M. and Abhay Kumar, Contractual Executive Assistant.

4. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the thrust of allegation is exclusively available against co-accused Ranjit Kumar and Abhay Kumar without expressing even suspicion *qua* any other unknown co-accused persons.

5. Arguing further, it is submitted that named accused person Abhay Kumar has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.44788 of 2017 vide order dated 03.11.2017 against whom the specific allegation was raised through FIR. However, similarly situated co-accused, who was not named with present FIR, namely, Ranbir Kumar Sinha, who was Chairman of PACS



Ranabigha was also granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.45468 of 2023 dated 03.04.2024. It is pointed out that both these orders were not challenged by SFC before Hon'ble Supreme Court and, therefore, as a matter of judicial parity, this petitioner also deserves anticipatory bail, as he is also facing the similar allegation.

6. Arguing further, it is submitted that one of the similarly situated co-accused namely, Dinesh Kumar has preferred quashing petition before this Court through Cr. Misc. No.10632 of 2025, which was allowed and the FIR *qua* co-accused Dinesh Kumar was quashed by this Court on the ground of prolonged investigation, as still this matter is at the stage of investigation, despite of the fact that the FIR in issue was lodged in the year 2017.

7. It is further submitted by learned counsel that in order to save the real culprit, on imaginary ground, the PACS Chairman and its office bearers were implicated with this case, having otherwise remote connections with the affairs of the State Food Corporation's godown as same was not under the control of petitioner. It is submitted that all such facts was



clarified during investigation and in this connection he drawn attention of this Court towards paragraph 286 and 288 of the case diary. It is thus finally submitted that save and except suspicion *qua* conspiracy being a PACS Chairman nothing survives against this petitioner. It is submitted that the petitioner claimed clean antecedent.

8. Mr. Shailendra Kumar Singh, learned counsel appearing for the SFC while opposing the prayer of bail drawn attention of this Court towards paragraph Nos. 60 of case diary along with para 185 and 186, which suggest that the petitioner was also involved in conspiracy but, fairly conceded that he was not named in FIR and also could not disputed that the similarly situated co-accused persons were granted anticipatory bail by learned co-ordinate Bench of this Court including named co-accused person.

9. In view of aforesaid factual submission and by taking note of fact as the thrust of allegation is available against two named co-accused persons, as discussed aforesaid, who were in controlling affairs of the State Food Corporation's godown, Nalanda, coupled with the fact that the implication of this petitioner *prima facie* raised on the basis of suspicion being



conspirators, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Laheri P.S. Case No.279 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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