

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28377 of 2026

Arising Out of PS. Case No.-916 Year-2025 Thana- MADHEPURA District- Madhepura

Rajiv Kumar S/o Pankaj Kumar R/o vill - Pithai, P.s.- Madhepura, Distt.-
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food Corporation Bihar
3. Jay Shankar Prasad S/o Late Kripa Shankar Prasad R/o vill - Ambedkar
Road, ward no. 19, P.S.- Nawgachhiya, Dist.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Anand, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-05-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending
his arrest in connection with Madhepura P.S. Case No. 916 of
2025 registered for the alleged offence under Sections 316(5)
r/w 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, allegation against the
petitioner is that while working as Manager of Mathai PACS
Madhepura, he and co-accused Manoranjan Kumar did not
supply 320 quintals of CMR worth Rs. 10,84,147.50/- in the
financial year 2024-25 and defalcated the said amount.

04. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The FIR was registered on 10.09.2025 and thereafter, the equivalent amount was deposited by the accused persons in Bihar State Cooperative Bank Limited, Madhepura Branch on 22.10.2025 and a no dues certificate has been issued by the Branch Manager of the said bank who certified that there was no outstanding against the paddy procurement for financial year 2024-25 in the name of Mathai PACS, Madhepura. It shows there was no misappropriation. The main co-accused Manoranjan Kumar has been granted anticipatory bail vide order dated 04.02.2026 by the learned Co-ordinate Bench passed in Criminal Misc. No. 7387 of 2026. Learned counsel further submits that the petitioner is having clean antecedent.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that it is a case of misappropriation of CMR for huge amount of public money as the petitioner and co-accused indulged in black marketing of the paddy given to them for procurement year 2024-25.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner, the certificate issued by the



Bank showing no dues against the PACS of the petitioner and also considering no loss to exchequer of the Government, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura/court concerned in connection with Madhepura P.S. Case No. 916 of 2025, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

07. Before accepting the bail bond of the petitioner, the court concerned will satisfy itself about the veracity of Annexure-P/2, the 'No Dues Certificate', annexed by the petitioner. At the same time, opposite party no. 2/opposite party no. 3 are directed to check the genuineness of the document, i.e., Annexure-P/2 and apprise the court concerned, within three



weeks.

08. Let a copy of this order be communicated to
opposite party no. 2/opposite party no. 3 forthwith.

(Arun Kumar Jha, J)

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