

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36045 of 2026

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

Nitish Kumar Singh Son of Nagendra Singh Resident of Village- Dune
Buzurg, Police Station. Darauli, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The District Manager, State Food Corporation, Darbhanga. Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For the BSFC	:	Mr. Niraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-07-2026 Heard Mr. Sanjeet Kumar, learned counsel for the
petitioner, Mr. Niraj Kumar, learned counsel for the informant
and Mr. Bhanu Pratap Singh, 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,
F.I.R. dated 27.04.2022 for the offences punishable under
Sections 406, 409 and 420 of the IPC.

3. According to prosecution case, one Anshuman Rai
who was Assistant Manager is said to have defalcated Public
Food Grain i.e. 11713.84 quintal of wheat and 9158.35 quintal of
rice amounting to Rs. 6,23,43,279/-.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. Initially the petitioner was not named in the FIR. In fact, the petitioner was at serial no. 9 in the witness column and thereafter, the petitioner has been made accused in the present case. He further submit that the co-accused, namely, Anshuman Rai whose name has been incorporated in the present FIR has been granted anticipatory bail by this Court vide order dated 09.10.2023 passed in Cr. Misc. No. 50787 of 2022 and another co-accused, namely, Hemant Jha @ Hemant Kumar Jha has also been granted anticipatory bail by this Court vide order dated 17.04.2026 passed in Cr. Misc. No. 18006 of 2026.

5. The learned counsel for the BSFC as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, initially petitioner was not named in the FIR and similarly situated co-accused has been granted anticipatory bail by this Court, let the petitioner, above named, in the event of 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 the learned SDJM, 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 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 absence on two consecutive dates without sufficient reason, his 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 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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