IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41692 of 2026

CNR No. BRHC010501242026

Arising Out of PS. Case No.-333 Year-2024 Thana- UDAKISHUNGANJ District-Madhepura

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Neeraj Kumar @ Neeraj Kumar Sah Son of Late Vishwanath Sah Resident of Village- Baijnathpur, Ward No. 6, P.S.- Udakishunganj, District- Madhepura

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Pooja Prasad, Advocate
Mr. Aditya Raj, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 06-11-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 379, 34 and 409 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner had earlier moved this Court seeking anticipatory bail by filing Cr. Misc. No. 7401 of 2025 and the same came to be disposed of by an order dated 02.07.2025 in terms of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar). It is further submitted that petitioner in terms of the order dated 02.07.2025 in Cr. Misc. No. 7401 of 2025 filed a representation before the

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authority conerned on 15.07.2025 but then notice under Section 41(A) Cr.P.C. was not issued to the petitioner on the ground that after investigation, the case was found true under Section 409 of the Indian Penal Code also and, accordingly, charge-sheet dated 07.08.2025 has been filed but then it is submitted that prior to charge-sheet being filed, the petitioner had already represenated in terms of the order dated 02.07.2025 in Cr. Misc. No. 7401 of 2025 but then the Investigating Officer for reasons best known did not issue notice under Section 41(A) Cr.P.C. It is next submitted that in the nature of allegation as alleged in the FIR, it would manifest that prima facie no offence under Section 409 of the Indian Penal Code is made out against the petitioner, rather none of the Sections of the Indian Penal Code would be applicable against him for the reason that father of the petitioner was the Chairman of the PACS, who died on 25.03.3034, and, thereafter, on 26.09.2024, the instant FIR came to be instituted with an allegation that 4990 quintal of grain has been misappropriated by the Manager of the PACS in connivance with the petitioner who is the son of the deceased Chairman. It is also submitted that petitioner was never associated with the PACS in any manner but since his father was the Chairman and he died, as such, the informant tried to implicate the petitioner

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for ulterior reason. It is submitted that if the privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Udakishunganj P.S. Case No. 333 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

(Satyavrat Verma, J)

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