

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36038 of 2026

Arising Out of PS. Case No.-4 Year-2026 Thana- NAANPUR District- Sitamarhi

Dasrath Paswan @ Dashrath Paswan S/o Jhagru Paswan R/o Village - Behra
Jahidpur, Ward no. 3, P.S. - Nanpur, Dist. - Sitamarhi(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Gaurav, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner who apprehend arrest in connection
with Nanpur P.S Case No. 04 of 2026, lodged on 02.01.2026,
for the offences punishable under Sections 316(2)/316(5)/
318(4) of the Bharatiya Nyaya Sanhita, 2023 and under Section
7 of the Essential Commodities Act, 1955.

4. As per the prosecution, the F.I.R. has been lodged
against the sole petitioner. In the FIR it has been found that
during inspection of PDS Shop, the food-grain shown in the E-
POS machine were not physically found in the stock indicating
a shortage of wheat and rice amounting 13,999 kgs.



5. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that his antecedent is clean. He submits that for the said variance in the E-POS machine has come due to technical glitch. In this regard series of correspondence has taken place among the government officials. The copies of the same have been annexed as Annexure-P/2 series. Counsel submits that the said technical glitch has been identified by the Government itself in all 38 districts of Bihar and the license of the PDS shop of the petitioner has already been cancelled. Counsel submits that similarly situated co-accused persons have been granted anticipatory bail by the co-ordinate Benches of this Hon'ble Court vide order dated 12.03.2026 passed in Cr. Misc. No. 15450 of 2026 and vide order dated 01.04.2026 passed in Cr. Misc. No. 9615 of 2026.

6. Learned APP for the State, on the other hand, opposes the prayer for bail and submits that in the FIR there is specific allegation that there is difference between the E-POS machine and godown.

7. Considering the fact that there is technical glitch in uploading the status of E-POS machine and similarly situated co-accused persons have been granted anticipatory bail by the



co-ordinate Benches of this Court, let the above-named petitioner be released on bail, in the event of his arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30,000/- (Rupees Thirty Thousand only) each, as mentioned in Section 2(1)(d) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*, to the satisfaction of the **learned Court of the District & Additional Sessions Judge-II, Sitamarhi, in connection with Nanpur P.S. Case No.4 of 2026**, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*.

8. 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 trial Court 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.

(Dr. Anshuman, J)

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