

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47272 of 2026

Arising Out of PS. Case No.-27 Year-2026 Thana- Pothia District- Katihar

Bhola Prasad Mandal S/o Shree Mathura Prasas Mandal R/o Narahiya, P.S. -
Pothiya, Dist. - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
		Mr. Ashish Bhaskar, Advocate
		Mr. Indrajeet Kumar, Advocate
For the Opposite Party/s :		Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioner and the
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Pothiya P.S. Case No. 27 of 2026, registered under Sections
338, 336(3), 340(2), 318(4), 316(5) of the B.N.S.

3. As per the prosecution case, which has been lodged
on the basis of the written report submitted by the informant, who
happens to be Block Development Officer, Sameli, to effect that
on the basis of the enquiry report of the three member enquiry
committee, the informant was directed to take action against the
petitioner, who was the In-charge Headmaster of Adarsh Middle
School, Khaira with regard to theft of M.D.M. rice in the school
on 02.02.2026. During inspection by the committee, it transpired
that the petitioner tried to defaulcate the M.D.M. rice and also
committed irregularities in the entries made in the register, due to



which the M.D.M. rice was not found mentioned in the register. Accordingly, allegation of misappropriation of M.D.M. rice and violation of prescribed rules were alleged against the petitioner.

4. The learned counsel for the petitioner submits that the petitioner was posted as In-charge Headmaster of Adarsh Middle School, Khaira and he has not committed any offence as alleged in the FIR. He submits that the committee without verifying the stock and stock register and without corroborating the same, only on the basis of non-entry in the stock register reported regarding shortage of rice and irregularities/misappropriation committed by the petitioner. He further submits that for the same charges the petitioner has been put under suspension on 07.02.2026 and before the issuance of order of suspension the present FIR has been lodged. He further submits that during inspection the committee found that some bags of rice was of another school as the same was unloaded on Tempo, but due to misunderstanding, the villagers created panic which resulted in filing of the present FIR. He further submits that after his appointment till lodging of the present case, no complaint whatsoever was made against the petitioner. The learned counsel for the petitioner further submits that the petitioner is ready and willing to deposit the cost of the alleged shortage of M.D.M. rice before the Departmental Authorities and will deposit the same within a period of three months from today. Further the petitioner has got a clean



antecedent.

5. *Per contra*, the learned APP appearing on behalf of the State opposes the prayer for grant of bail to the petitioner and submits that the petitioner committed irregularities and misappropriation in the quantity of rice and in maintaining the register with regard to the Mid Day Meal Scheme, while he was posted as In-charge Head Master in the concerned school and the same has been found by the committee and on the basis of the report submitted by the committee, the present FIR has been lodged. The petitioner has been put under suspension in contemplation of departmental proceedings.

6. Having considered the rival submissions and after going through the records, it appears that the petitioner has been indicted by the committee for not maintaining the register and for shortage of rice, however, since the learned counsel for the petitioner has submitted that the petitioner is ready and willing to deposit the cost of the M.D.M. rice, which was found shortage during period of inspection by the enquiry committee. According, the petitioner will deposit the cost of M.D.M. rice before the Block Development Officer, Sameli, within a period of three months from today, which will be subject to the result of the criminal case, which has been lodged against the petitioner. It is clarified that the said direction has been given on the statement made by the learned counsel for the petitioner and the same will not be questioned



before any forum in future.

7. Let the petitioner, above named in the event of arrest/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 learned Judicial Magistrate 1st Class, Katihar in connection with Pothiya P.S. Case No. 27 of 2026, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, and subject to the following condition:-

(I) That the learned court concerned 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 concerned 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.

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(Ritesh Kumar, J)

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