

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57840 of 2025

Arising Out of PS. Case No.-64 Year-2024 Thana- Kusumbha District- Sheikhpura

1. Pratima Devi W/O Shailendra Kumar R/O Vill.- Lodipur, P.S. - Kusumbha, District - Sheikhpura
2. Prajapati Pandey S/o Late Raghunandan Pandey R/O Vill.- Deole, P.S. - Kusumbha, District - Sheikhpura
3. Sharmila Devi W/O Pinku Kumar R/O Vill.- Deole, P.S. - Kusumbha, District - Sheikhpura
4. Brahmdeo Thakur S/O Ramjee Thakur R/O Vill.- Deole, P.S. - Kusumbha, District - Sheikhpura
5. Rajmuni Devi @ Lalmuni Devi W/O Ramadhin Tanti R/O Vill.- Deole, P.S. - Kusumbha, District - Sheikhpura
6. Vinod Manjhi @ Binod Manjhi S/O Late Hari Manjhi R/O Vill.- Deole, P.S. - Kusumbha, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For Newly appointed Chairman, PACS	:	Mr. Alexander Ashok, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 24-02-2026 Heard the learned counsel for the petitioners, learned

APP for the State and learned counsel for newly appointed

Chairman of PACS.

2. The petitioners apprehend their arrest in a case,

registered for the offences under Sections 316(5) and 318(4) of

the B.N.S.

3. The allegation against these accused persons are

that of causing embezzlement of government money to the tune



of Rs. 41,81,069/- during the procurement of paddy of Lodipur PACS. The Ex-Chairman and the Manager of the PACS namely, Naresh Prasad and Manju Lata Pandey had approached this Court for anticipatory bail in Cr. Misc. No. 30324 of 2025 and the same was allowed on 12.08.2025. The following order was passed on 12.08.2025:-

“Heard learned counsel for the petitioners, learned counsel for the B.S.F.C. and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 316 (5) and 318 (4) of the B.N.S.

3. The allegation against the petitioners is that of causing embezzlement of government money to the tune of Rs.41,81,069/- during the course of selling of paddy procured by Lodipur PACS.

4. It is submitted by learned counsel for the petitioners that the petitioners are Chairman and Manager of the PACS and have taken specific plea that since the paddy was getting spoiled and damaged, the rice was sold in the open market. However, there is specific statement in para-11 that they are ready to deposit the rice which was due to the authorities. Attention of the Court has been drawn towards Annexure-2 in this regard which is the letter written by the petitioner no.1 (Chairman of PACS) to the District Co-operative Officer, which clearly indicates that there was never an intention to cheat or cause misappropriation and the rice was sold in the open market under



compelling circumstances.

5. Learned counsel for the BSFC opposed the prayer for grant of anticipatory bail to the petitioners on the ground of embezzlement of huge amount and causing loss to the State exchequer.

6. However, at this stage, an offer has been made on behalf of the petitioners that they would be making payment of 25% of Rs.41,81,069/- which is the total alleged embezzled amount before furnishing the bail bonds and, out of the rest amount, 10% per month in installments would be paid within a period of eight months.

7. Taking into consideration the facts and circumstances of the case as well as the fact that the petitioners are senior citizens, there is no likelihood of absconding or tampering with the evidence and also the willingness shown to refund the amount and having no criminal antecedent, let the above named petitioners, be released on provisional bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Kusumbha P.S. Case No.64 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

8. The learned Court below is directed to accept the bail bonds of the petitioner after showing deposit of 25% of the alleged embezzled amount in the Co-operative Bank concerned. The provisional



bail of the petitioner shall be confirmed by the learned Court below after deposit of the total alleged embezzled amount within a period of eight months, as offered by the petitioners and stated in para-6 of this order. If the petitioners fail to deposit the said amount within the stipulated period as aforesaid, the learned Court below would be at liberty to cancel the provisional bail of the petitioners.”

4. The Naresh Prasad and Manju Lata Pandey at the time of surrender and executing bail bond have deposited the amount of 25% of the defalcated amount for executing bail bond but as contended by learned counsel for newly appointed Chairman of PACS that thereafter they had not paid a single amount.

5. If it is so, the court below should have cancel the privilege of bail granted to Naresh Prasad and Manju Lata Pandey and taken them into custody.

6. The newly appointed Chairman of PACS is given liberty to move for the cancellation of the bail bonds of the Naresh Prasad and Manu Lata Pandey if they are not abiding by the orders of this Court dated 12.08.2025.

7. So far as these petitioners are concerned, they are members of the PACS and as the Naresh Prasad and Manju Lata Pandey have undertaken to pay the entire amount of defalcated money, the anticipatory bail application of the petitioners are



allowed.

8. Learned APP for the State has vehemently opposed the prayer for bail.

9. Accordingly, let the petitioners, above-named, in the event of arrest or surrender within four weeks from today in the Court below, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura/concerned Court below, in connection with Kusumbha P.S. Case No. 64 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of the BNSS.

(Sandeep Kumar, J)

Ranjeet/-

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