

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72345 of 2025

Arising Out of PS. Case No.-380 Year-2022 Thana- JOKIHAT District- Araria

Md. Ashfaque @ Ashfaque Alam S/o Late Zamil R/o Village- Bhagwanpur,
Ward No. 04, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar Hasda (B.S.O.), Son of Lal Hasda Resident of Joteli, P.S.- Bihariganj, Madhepura present address- B.S.O., Jokihat, P.S.- Jokihat, Araria

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. N. K. Agarwal, Sr. Advocate Mr. Kumar Rajdeep, Advocate Ms. Dikasha Kumari, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-01-2026 Heard Mr. N. K. Agarwal, learned senior counsel appearing on behalf of the petitioner and Mr. Pramod Kumar Pandey, learned APP appearing on behalf of the State.

2. This is second anticipatory bail application on behalf of the petitioner. Earlier, the prayer for grant of anticipatory bail to the petitioner was dismissed as withdrawn vide order dated 04.02.2023 passed in *Cr. Misc. No. 75096 of 2022*.

3. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 420, 406 and 34 of the Indian Penal Code and Section 7 of the Essential Commodities Act.



4. As per prosecution case, this petitioner, who is a P.D.S. dealer, in connivance with other accused persons, committed bugling in distribution of food grains and black marketed huge amount of rice and wheat.

5. It is submitted by learned senior counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. Petitioner is aged about 71 years and his P.D.S. license has already been suspended. It is further submitted that the maximum price of the rice and wheat allegedly misappropriated by this petitioner amounts to Rs. 11,00,000/- (Rupees eleven lakhs) and at this stage, without admitting his guilt, petitioner is ready to deposit the alleged defalcated amount, in easy installments. Petitioner claims clean antecedents.

6. On the other hand, learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, clean antecedents and aforesaid undertaking of the petitioner, provisional bail for a period of one year is granted to the petitioner from the date of furnishing bail bond.



8. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on provisional bail for a period of one year on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria in connection with Jokhihat P.S. Case No. 380 of 2022, subject to condition as laid down under Section 482(2) of the B.N.S.S., along with the following terms and conditions:

- “A. At the time of furnishing bail-bond Rs. 4,00,000/- (Rupees four lakh) shall be deposited through cash in the Nazarat of the Civil Court, Araria.
- B. Rest amount i.e. Rs. 7,00,000/- (Rupees seven lakh) shall be deposited in the Nazarat of Civil Court, Araria in 12 equal monthly installments within a period of one year from the date of furnishing bail-bond.
- C. The aforesaid payment shall be subject to the final outcome of the case.
- D. If petitioner fails to comply the aforesaid direction of this Court, the learned Trial Court is free to cancel the bail-bond of the petitioner.
- E. The learned trial court shall confirm the provisional bail after being satisfied that the petitioner has paid the entire amount, as mentioned here-in-above.”

9. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the



purpose of grant of bail.

(Prabhat Kumar Singh, J)

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