IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71563 of 2026

CNR No. BRHC011043912026

Arising Out of PS. Case No.-179 Year-2025 Thana- Ramgarh Chowk District- Lakhisarai

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Jitendra Kumar Kushwaha S/o Nepali Mahto R/o Village - Surari Imamnagar, P.S. - Halsi, Dist. - Lakhisarai.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Md. Shadab Alam Wazdi, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 23-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Ramgarh Chowk P.S. Case No. 179 of 2025 instituted for the offence under Sections 316(5) and 61(2) of BNS.

3. The case of the prosecution, in short, is that in the year 2024-2025, Surari Imam Nagar PACS purchased 1932.500 metric tons paddy, hence the PACS was required to supply 1320.746 metric tons rice to FCI, Lakhisarai, but till lodging of the FIR, only 870 metric tons rice was supplied to the FCI and 450.76 metric tons rice is yet to be supplied, thus it is alleged that rice worth Rs. 1,52,58,975/- was defalcated by the PACS.

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4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner has further submitted that petitioner is only Managing Committee Member of the PACS, but then it is submitted that responsibility of insuring supply of rice after purchasing paddy is of the Chairman and Manager of the PACS. It has further been submitted that petitioner was not even aware that how much paddy was purchased and what amount of rice was to be supplied. It has further been submitted that petitioner being member of the PACS, came to be implicated. It has further been submitted that similarly situated co-accused persons have been granted anticipatory bail by learned co-ordinate Bench of this Court vide Cr. Misc. No. 62591 of 2026. The case of this petitioner stands on similar footing. Moreover, the petitioner is having no criminal antecedent.

5. Learned APP appearing for the State has vehemently opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner

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is directed to surrender in the Court below within a period of four weeks and in the event of his arrest or surrender in connection with Ramgarh Chowk P.S. Case No. 179 of 2025, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount to the satisfaction of learned Judicial Magistrate-I, Lakhisarai, subject to the conditions as laid down under section 482 (2) of the B.N.S.S.

(Ashok Kumar Pandey, J)

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