IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76183 of 2026

CNR No. BRHC011109762026

Arising Out of PS. Case No.-308 Year-2025 Thana- NEMDARGANJ District- Nawada

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1. Dharmendra Kumar @ Jhum Singh S/o Late Bhagwat Singh R/o - Gopalpur, P.S - Nemdarganj, District - Nawadah.
2. Sanjiv Kumar S/o of Baban Singh R/o - Gopalpur, P.S - Nemdarganj, District - Nawadah.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party/s : Ms. Renuka Ratnakar, APP
Mr. Manish Kumar, Advocate
Mr. Akhilesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Nemdarganj P.S. Case No. 308 of 2025, instituted for the offences punishable under Sections 61(2), 318(4), 406(2), 351(2)(3), 352, 3(5) of the Bharatiya Nayaya Sanhita.

3. As per the prosecution case, informant and her husband used to do a business of purchasing paddy and rice from the farmers and sell the same to PACS Chairman Dharmendra Kumar @ Jhum (Petitioner No. 1) and used to do transaction. It is alleged that till April, 2025, the total due

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amount was Rs. 22 lakhs and when the said amount was demanded from Petitioner No. 1, he refused to give the same. It is further alleged that accounting was done by co-accused Vijay Kumar and Sanjeev Kumar (Petitioner No. 2) and they committed fraud with her. The accused persons had also lodged a case against the husband of informant & others bearing Nemdargaj P.S. Case No. 279 of 2025.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Petitioner No. 1 is an elected Chairman of the concerned PACS and Petitioner No. 2 is his nephew. Earlier, Petitioner No. 1 had lodged a criminal case against the husband of the informant and other persons for theft of paddy and after 18 days, informant, who is wife of Jai Ram Kumar (accused in Nemdarganj P.S. Case No. 279 of 2025), lodged this case without any basis and to make pressure upon the petitioners. It is further submitted that Petitioner No. 1 is the Chairman of the PACS and as per the procedure, PACS only purchase paddy from the registered farmers and gives receiving immediately and entire payment is made in the account of farmers through the concerned Co-operative Bank. There is no question of purchasing of paddy from the informant and other persons.

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Petitioners have no criminal antecedent. They undertake to co-operate in the investigation and trial.

5. Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners and submit that they are named accused persons.

6. Considering the facts and circumstances of the case, submission of learned counsel for the parties, nature of allegation and clean antecedents of the petitioners, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Nawadah in connection with Nemdarganj P.S. Case No. 308 of 2025, subject to the conditions laid down in Section 482 (2) of the Bharatiya Nagrik Suraksha Sanhita (B.N.S.S.), 2023.

(Sunil Dutta Mishra, J)

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