

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89451 of 2025

Arising Out of PS. Case No.-312 Year-2025 Thana- DHANAHA District- West Champaran

- 1 . SUNIL TIWARI @ SUNIL KUMAR TIWARI S/o- Harishankar Tiwari R/v- Dhawahiya Po- Kathar Ps- Dhanaha Dist- West Champaran
2. Harishankar Tiwari S/o- Late Kapildev Tiwari R/v- Dhawahiya Po- Kathar Ps- Dhanaha Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramendra Kumar Bharti , Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-01-2026 Heard learned counsel for the petitioners and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 318 (2) and 316 (5) of Bns.

3 . As per F.I.R., informant alleged that during the procurement season 2024 – 2025 , 1730 quintals of paddy were procured by the Chairman and Manager of the Kathar PACS. During physical verification on 14.09.2025, it was found that only 1307 quintals of paddy were actually present and 423 quintals of paddy were found missing. On 15.09.2025 at about 11:00 AM, in the presence of villagers, the shortage was



confirmed, and it was alleged that the Chairman and the Manager had misappropriated the value of the missing 423 quintals amounting to Rs. 30,38,775 . The inquiry further revealed that although the record showed procurement of 1307 quintals of paddy , the corresponding amount of rs. 30,38,775 /- was also misappropriated. It is further alleged that by violating official rules, the accused Chairman and Manager misused their positions and caused financial loss to the government.

4. It is submitted on behalf of the petitioners that petitioners are innocent and have not committed any offence as alleged. The entire prosecution case is malicious and absolutely out of extraneous considerations. From bare perusal of memo No. 24 dated 15.09.2025 , issued by Block Co-operative Officer which is attached with F.I.R. it is evident that the PACs Godown was found locked during physical verification and as such , only on the basis of assumption and presumption , this case was lodged without any prior notice the petitioners. Moreover, petitioner have already deposited the aforesaid alleged amount of Rs. 30,38,775.00/- with Bank interest thereon total Rs. 32,36,214/- and for the same , no dues certificate was also issued and the copy of same is annexed as Annexure – P / 2 to the bail petition . Petitioners claim clean antecedent.



5 . Learned counsel for the State oppose the bail petition .

6 Considering the aforesaid facts and also the facts that petitioners have already deposited the entire alleged amount and clean antecedent of these petitioners and other circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Bagaha West Champaran in connection with Dhanaha P.S. Case No. 312 of 2025 subject to the conditions laid down under section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) , 2023 .

(Prabhat Kumar Singh, J)

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