

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91941 of 2025

Arising Out of PS. Case No.-374 Year-2025 Thana- ARARIA District- Araria

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1. MD. JAMIL @ JAMILUDDIN S/o- Md. Guljar R/v- Jhamta, Ward No.01, P.S.-Araria, District- Araria.
 2. Md. Warish @ Warish S/o- Late Md. Abbas R/v- Jhamta, Ward No.08, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Senior Co- operative Extension Officer Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar
For the Opposite Party/s	:	Mr.Anand Kishore Choudhary
		Ms. Pushpa Sinha
For the BSFC	:	Ms. Anukriti Jaipuriyar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 29-04-2026 1. Heard learned Counsel for the parties concerned.
2. This application, for grant of anticipatory bail, arises out of Araria Town Police Station Case No. 374 of 2025, dated 10.09.2025, disclosing offences punishable under Sections 316(2)/316(5)/318(3)/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report, is that the petitioners, who are the Ex-Chairman and manager of Jhamta PACS, have embezzled 76.175 metric tons of paddy, store in the warehouse of the Committee, equivalent to Rs. 17,71,068.75/-.



4. Learned Counsel for the petitioners, who are the Chairman and Manager of the Jhamta PACS, submits that the petitioners have not committed any offence in the manner alleged inasmuch as the petitioners failed to show the paddy as the same got destroyed due to destruction of the rooftop of the godown in rain, due to which the paddy drenched and became unfit for converting it to rice.
5. Learned Counsel for the petitioners submits that the petitioners have no intention of misappropriation of government fund and the petitioners, after lodging of the First Information Report, have deposited Rs. 5,00,000/- in the Araria branch of the Purnea District Central Co-operative bank Limited. The petitioners are still ready to make payment of the entire value of the paddy. He further submits that Rs. 15,15,516/- is yet to be deposited by the petitioners. He, accordingly, prays that instalment for a period of six months may be fixed for payment of the entire amount.
6. Learned Counsel for the State and Bihar State Food Corporation Limited submits that the petitioners may be given an opportunity to deposit the amount.
7. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the nature of allegation and the fact that the petitioners are ready to deposit the outstanding Government amount of Rs. 15,15,516, in six instalment, I am inclined to grant the petitioners privilege of anticipatory bail, on the condition that the petitioner shall clear the loan amount and shall pay the outstanding amount in six instalments.

8. This application is, accordingly, allowed.
9. Let the petitioners, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Araria Town Police Station Case No. 374 of 2025,
 - (i) laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, subject to the conditions,
 - (ii) The petitioners, at the time of furnishing bail bond, within a period of four weeks from today, will produce the deposit slip of Rs. 2,60,000/- as the first instalment;
 - (iii) The petitioners shall pay the second, third, fourth and



fifth instalment of Rs. 2,60,000/- on 25th day of June, July, August, September and October, 2026,

(iv) The petitioners, by way of sixth and last instalment shall deposit a sum of Rs. 2,15,516, by 25th November, 2026.

(v) After deposit of a total amount of Rs. 15,15516/-, if it is found that any extra amount has been paid by the petitioners, the same shall be returned to the petitioners, forthwith.

(vi) If the amount, as directed above, is not paid by the petitioners, the Bank/ Bihar State Food Corporation will be at liberty to approach this Court for cancellation of the bail bond.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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