

In the Court of Additional Sessions Judge-V, Muzaffarpur

**Anticipatory Bail Petition No. 1342/2026**

(Arising out of Motipur P. S. Case No. 391/2025)

In the matter of:

1. Shivshankar Pasad S/o - Suraj Rai, aged about 54 yrs,  
2. Jai Prakash Rai S/o - Late Rupan Rai, aged about 60 yrs,  
Petitioner No. 1 Resident of Village -Bariyarpur Kodar Katta, Petitioner No.  
2 R/o - Village - Bhawani dih both P. S. - Motipur, District - Muzaffarpur  
.....Petitioners

Versus

State of Bihar : ..... Opposite Party

Appearance(s)

Counsel for the Petitioner(s) : Treta Kumar Dubey, Advocate  
: Sanjay Kumar Pandey, Advocate

Counsel for the State : Sadhusaran Prasad, Addl. PP.

Present: Suman Kumar Divakar  
Bihar Superior Judicial Service

**Order**

**13-05-2026**

1. The Petitioners are praying for anticipatory bail in connection with Motipur P. S. Case No. 391/2025 registered for the offences under Section 318(4), 316(5) of Bhartiya Nyay Sanhita, 2023 (hereinafter referred to as 'BNS' for short) and Section 7 of Essential Commodities Act, 1955.
2. Briefly stated, the Petitioner No. 1 is the President of Primary Agriculture Credit Society, Bariyarpur South under Motipur Block (in short, often referred as 'PACS' which operates at the Gram Panchayat level to provide marketing facilities to the farmers). The Petitioner No. 2 is the Manager. Both of them carries an allegation of causing embezzlement of Rupees 2,39,381/-. Further, they have also been alleged to have violated the provision of Section 7 of the Essential Commodities Act. It is alleged that on physical verification, the paddy was not found available in the warehouse.

3. Learned Counsel for the Petitioners submits that entire amount has been deposited now. Thus, there is no case made out against the petitioners. They have clean antecedent. The entire allegations against the petitioners are false, wrong and concocted. In this backdrop, he prays for anticipatory bail.
4. Learned Additional Public Prosecutor has opposed the prayer so made on behalf of the Petitioners.
5. Heard the parties. Considered the submissions. Perused the material on record including case diary. It appears from the FIR that the same stands instituted on the basis of application dated 10.11.2025 made by Cooperative Extension Officer and this application was made in light of Letter dated 11.09.2025 by District Cooperative Officer, Muzaffarpur. The submission of the learned Counsel that all the amount has been already been deposited is nothing but the acceptance of allegation. It is for the reason that the FIR was instituted on 10.11.2025 whereas the amount so deposited appears to be after registration of the FIR (please see Bank Statement attached with the case diary).
6. In view of above and further, considering the nature and gravity of the offence and the fact that it is related to essential commodities, I am not inclined to extend the petitioners the privilege of pre arrest bail. In the result, the present petition stands **dismissed**.

(Suman Kumar Divakar)  
Additional Sessions Judge-V  
Muzaffarpur

|                                   |                                |
|-----------------------------------|--------------------------------|
| Date of Judgement/Order           | 13.05.2026                     |
| Date of reserving Judgement/Order | 13.05.2026                     |
| Uploading Date                    | 14.05.2026                     |
| Uploaded by                       | Bambam Kumar Jha, Stenographer |