

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8639 of 2020

Arising Out of PS. Case No.-91 Year-2015 Thana- WARISLIGANJ District- Nawada

MITHILESH PRASAD YADAV Son of Budan Mahto Resident of Village -
Madhopur, P.S.- Satgawan, District - Koderma (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2020 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Warisaliganj
P.S. Case no. 91/2015 registered under sections 406, 409 and
420/34 of the IPC.

Certain quantity of paddy was supplied to the rice
millers. It is prosecution case that amount of CMR which has
been returned by Rice Miller is short of expected quantity. The
same has formed basis of Warisaliganj P.S. Case no. 91/2015
against various accused persons. Petitioner is not named in the
FIR.

Counsel for the petitioner submits that for the first time
order has been taken by the police for issuance of warrant of
arrest on 28.08.2019 i.e. four years after institution of the



FIR. Other accused persons who are named in the FIR have been granted anticipatory bail. It is also stated that the petitioner has no criminal history.

Petitioner was Block Welfare Officer at that time and at best, was responsible for supplying the paddy to Miller. By no stretch of imagination, his role can be attributed to short return of CMR by Rice Miller.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the aforesaid submissions, prayer for anticipatory bail is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Special Court of Rice Miller, Gaya in Warisaliganj P.S. Case no. 91/2015 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

U		T	
---	--	---	--

