

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10189 of 2022**

Arising Out of PS. Case No.-576 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

PRABHAWATI DEVI, PACCS PRESIDENT Wife of Uma Shankar Prasad
Resident of Village - Kauriya, Ward No. 6, P.S. - Runnisaidpur, District -
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 06-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 406
and 409 of the Indian Penal Code.

The informant who is Branch In-charge of Sitamarhi
Central Cooperative Limited, Runnisaidpur alleges that
petitioner who was PACS President had cash credit of Rs.
5,31,088.80/- in between 06.01.2018 and 25.03.2019 from the
bank for the purpose of purchasing paddy from the farmers and
to supply the rice in light of the direction of the government, it
is next alleged that being president of PACS, the petitioner
failed to supply the rice of the said amount to the B.S.F.C.,



Sitamarhi as such it is alleged that there are dues against the petitioner of Rs. 5,23,333.80/- besides an overdraft of Rs. 198757.17/-

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that the money which was taken as loan from the bank was utilized for the purpose for which it was taken, it is next submitted that the petitioner had purchased paddy from the farmers but the rice millers were not willing to take the paddy on account of moisture contained in it. Learned counsel submits that petitioner is willing to pay the legitimate dues and not the fanciful demand as being alleged in the F.I.R. Learned counsel next submits as on date petitioner has to pay an amount of Rs. 4,08,333/-, it is next submitted that the petitioner will pay the said amount within a time-frame i.e., in between 6 to 8 months from today.

Learned A.P.P. for the State very fairly submits that since petitioner is willing to return the amount as such he is not opposing the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Runnisaidpur P.S. Case No. 576 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

If the petitioner files a receipt showing that the aforesaid amount, as submitted, i.e., Rs. 4,08,333/- is deposited before the concerned authority by 19.05.2023 then, the learned trial court shall forthwith confirm the provisional bail granted to the petitioner and in the event, if the petitioner does not deposit the said amount, as agreed, the learned trial court shall forthwith cancel the bail bonds of the petitioner on 21.05.2023.

(Satyavrat Verma, J)

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