

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47969 of 2022

Arising Out of PS. Case No.-400 Year-2021 Thana- KORHA District- Katihar

SURYA NARAYAN MISTRI Son of Jay Ram Mistri Resident of Village -
Bhatwara, P.S. Korha, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 406 of the Indian Penal
Code.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent and is the president of Bhatwara
PACS and in the financial year 2020-21 he purchased 402.60 metric
ton of paddy but he did not supply CMR-53.73 metric ton of paddy
to BSFC, Katihar and thus it is alleged that government was put to
loss worth Rs.15,18,186/-.

Learned counsel for the petitioner submits that the
allegations are in the realm of allegation and he is willing to deposit
the said amount. It is further submitted that petitioner has already



deposited Rs.4,00,000/- earlier and rest he will deposit within a period of nine months from today.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 for the period of nine months from today on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Korha P.S. Case No. 400 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, in the event, if the petitioner within the aforesaid period is not able to file receipt showing that Rs.11,18,186/- has been deposited, the learned trial court shall forthwith cancel the bail bond of the petitioner and if the petitioner files the receipt showing deposit of the said amount, the provisional anticipatory bail of the petitioner shall be confirmed on the same terms and conditions.

(Satyavrat Verma, J)

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