

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60139 of 2022**

Arising Out of PS. Case No.-857 Year-2021 Thana- ARA NAWADA District- Bhojpur

SURAJKANT MISHRA @ SURYAKANT MISHRA Son of Keshari Sharan
Mishra Resident of Anandnagar, Arrah, P.O- Shivangi, Arrah, P.S- Arrah
Nagar, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 06-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Arrah Nawada P.S. Case No. 857 of 2021 under sections
406 & 420 of the Indian Penal Code.

As per the prosecution story, the informant alleged
that this petitioner, a representative of M/s. Haldiram
Bhujiyawala approached him for selling of its products. He
introduced himself as its representative for Bhojpur region.
Accordingly, the informant deposited 25,00,000/- to the
Company's account which in turn was supposed to send goods



worth Rs. 29,60,000/- only but it sent only 23,94,000/- worth goods and some of which were damaged. The informant sent the list of damaged goods to the Company and asked for repayment which was never paid. Further, the Company also stopped making any transaction with him with effect from March, 2021. Accordingly, the FIR.

Learned counsel for the petitioner submits that he was a mere representative in the entire matter. The amount so incorporated in the FIR went to the account of 'Haldiram Bhujjiyawala' as would manifest from the FIR itself. They are also accused in the present case and the liability is/are on them. Further, he served with them for the period 2.11.2020 to March, 2021, i.e. being four months and as he failed to meet the target, as he was not paid the salary for that period, he had no option but to quit. So the case is that he had to suffer both ways.

The learned APP opposes the prayer for bail.

Taking into account the aforesaid submission put forward by the learned counsel for the petitioner, this Court is inclined to grant him the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Arrah Nawada P.S. Case No. 857 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Ravi/-

(Rajiv Roy, J)

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