

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52095 of 2025

Arising Out of PS. Case No.-8 Year-2024 Thana- DANDKHORA District- Katihar

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Anil Kumar Mahto S/o Kamleshwari Mahto @ Kamleshwari Prasad Mahto
R/o Village - Kandharpaili P.O- Duashay, P.S - Dandkhora, District- Katihar
(Bihar) Pin Code- 855105

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jibendra Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner who apprehends arrest in connection
with Dandkhora P.S. Case No. 08/2024 (G.R. No. 638/2024)
lodged on 06.02.2024, for the offences punishable under sections
406, 409, 420/34 of the Indian Penal Code.

3. As per the prosecution, the F.I.R. has been lodged
against four named accused persons. Out of these, accused no. 1
in the F.I.R. is a PACS Secretary. In the enquiry report, which
forms part of the F.I.R., stating defalcation of 90.510 metric
tonnes of paddy, amounting to ₹18,69,032.80.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further



submits that the basis of the F.I.R. is the order passed by the District Magistrate, Katihar, who constituted a Three-Men Committee. The said Committee's report clearly indicates that it is accused no. 1 in the F.I.R. who embezzled 90.510 metric tonnes of paddy amounting to ₹18,69,032.80. It is pointed out that the Chairman of the PACS, Subodh Prasad (accused no.1 in the FIR), has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.09.2025 passed in Criminal Miscellaneous No. 53538 of 2024, considering that a certificate case is pending against him. Learned counsel further submits that the petitioner's name has not surfaced in the enquiry report, and the alleged transaction has been fraudulently carried out by accused no. 1 in the petitioner's name. It is contended that the documents relating to paddy payment bear forged signatures of the petitioner. In this regard, the petitioner had sent applications through registered post on 13.02.2024 to the District Collector, Katihar, the Superintendent of Police, Katihar, the Deputy Superintendent of Police, Katihar, the Managing Director, Katihar District Co-operative Society, Katihar, and the Officer-in-Charge, Dandkhora Police Station. It is further submitted that although the petitioner is an accused in one other criminal case, he has been acquitted therein.



5. Learned APP for the State opposes the prayer for bail but concedes that in the report of the Three-Men Committee, the petitioner's name does not appear.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the SDJM, Katihar, in connection with Dandkhora P. S. Case No. 638/2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 and further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Dr. Anshuman, J)

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