

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32568 of 2013

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Shailendra Choudhary

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA
ORAL ORDER

3 24-12-2013

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks anticipatory bail in a case under
Sections 406, 409, 467, 468, 471, 420 and 34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the only
allegation against the petitioner is that he as the Post Master had
connived with co-accused Binod Das to withdraw the money and
misappropriate the same with respect to three persons who had
alleged that the said Binod Das had taken Rs.6,000/- from each of
them to get the allotment made.

Learned counsel for the petitioner submits that the entire
story of conniving and misappropriating the said amount against
the petitioner is false and the same must be seen in the light of the
fact that agreement dated 31.10.2008 was entered into by the three
informants with the B.D.O. for the allotment of amount for

construction of houses under the Indira Awas Yojna and thereafter the amounts were also deposited on 31.12.2008 in the Post Office accounts of the informants and it has further come out during the course of investigation that the withdrawals have been made from the said accounts on different dates and not at one go.

It is further submitted that none of the three informants at any time made any complaint before any of the authorities that despite the agreement having been entered into in the matter, for nearly three years nothing had been received by them under the Indira Awas Yojna, rather only when the notices were issued to them in the month of October, 2011 by the Block office for not having constructed the houses then they have come forward and made the allegations against the said Binod Dass and also this petitioner who had nothing at all to do in the matter. It is submitted by learned counsel that this appears to be a case where the informants have withdrawn the money for constructing the houses under the Indira Awas Yojna and having received notices from the Block office they had turned-around making allegations of misappropriation by the said Binod Dass and particularly this petitioner.

Learned A.P.P. for the State, on the other hand, submits that the informants have supported their case in the course of

investigation. He is, however, unable to point out as to what explanation the informants have given during the course of investigation about the belated allegations being made by them, that too, after receipt of notice from the Block office.

On a consideration of the facts and circumstances of the case it is directed that the petitioner (Shailendra Choudhary), in the event of his arrest or surrender in the Court below within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Rosera, Samastipur in connection with Rosera P.S. Case No.26 of 2012, subject to the other conditions as laid down under Section 438 (2) of the Cr.P.C.

V.P.Sinha/-

(Ramesh Kumar Datta, J)