

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40769 of 2014

Arising Out of PS.Case No. -21 Year- 2013 Thana -C.B.I CASE District- PATNA

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1. Subodh Chandra Jha Son of Late Kashi Nath Jha, Postman, resident of village AND P.O.- Dwashai, P.S.- Dandkhora, District- Katihar.
 2. Sushil Kumar Roy, Son of Manik Chand Ray, Postman, resident of village- Vijaili, P.S.- Dandkhora, District- Katihar.
 3. Anil Kumar Mandal, Son of Upendra Mandal, resident of village- Dwashay, Durgaganj, P.S.- Dandkhora, District- Katihar.

.... Petitioners

Versus

The State of Bihar through S.P. C.B.I., Patna

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Amar Nath Jha, Advocate.

For the Opposite Party : Mr. Bipin Kumar Sinha (Sc CBI)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 10-04-2015 At the outset of the argument, Sri Bipin Kumar Sinha, learned counsel appearing for the C.B.I., has submitted that the C.B.I., after investigation did not submit charge sheet against petitioner no. 3 Anil Kumar Mandal.

Accordingly, learned counsel appearing for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner no. 3 Anil Kumar Mandal.

The anticipatory bail petition of petitioner no. 3 Anil Kumar Mandal is dismissed as withdrawn.

Heard both sides.

Petitioners Subodh Chandra Jha and Sushil Kumar Roy

apprehend their arrest in a case under Sections 120(B) read with Sections 409, 467, 468, 471 of the I.P.C. and Section 13(2) read with 13(1) (c) and (d) of the P.C. Act.

The gist of the allegation is that Roop Kumar Razak was the post master of Durga Ganj post office and after his transfer, Binod Kumar Tiwary was the post master. The petitioners Subodh Chandra Jha and Sushil Kumar Roy were the post peon. It is alleged that the post master and post man used to make interpolation in the money order and instead of Rs. 500/- Rs. 5000/- was shown to be paid. It is also alleged that fake money-orders were sent from Delhi in the name of different persons and the petitioners in collusion with Roop Kumar Razak and Binod Kumar Tiwary the post masters used to make interpolation in the money order and thereby they misappropriated Rs. 1,41,97,700/- and odd.

It is submitted that the petitioners are post men and they are not responsible for withdrawal of the amount. They did the work at the instance of post masters. It is further submitted that Binod Kumar Tiwary who worked as post master for a short period of time was granted regular bail vide order passed in Cr. Misc. No. 33830 of 2014 but at the same time, prayer for regular bail petition of Roop Kumar Rajak who is a kingpin of the entire

scam was rejected vide order passed in Cr. Misc. No. 34955 of 2014.

On the other hand, learned counsel appearing for the C.B.I. has submitted that the petitioners were also involved in the scam and they used to make over writing in the money order sent to the fake persons and withdrew more money and thereby Roop Kumar Razak and Binody Kumar Tiwary misappropriated Rs. 1,41,97,000/- and odd.

Considering the facts, I do not find it a fit case for anticipatory bail. Accordingly, the same is rejected in connection with Special Case No. 09 of 2013, arising out of R.C. Case No. 21(A) of 2013, pending in the court of the learned Special Judge, C.B.I., Court No. 2, Patna.

The petitioner nos. 1 and 2, if so advised, may surrender in the court below and pray for regular bail. Learned court below shall consider the prayer for regular bail of petitioner nos. 1 and 2 without being prejudiced from the order of this Court.

U.K./-

(Prabhat Kumar Jha, J)

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