

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53825 of 2015

Arising Out of PS.Case No. -165 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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Pramod Kumar Choubey @ Pramod Choubey son of Late Kedar Nath Choubey, resident of village- Dumari, P.S.- Simarii, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Smt. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 08-12-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Kudra P.S. Case No.165 of 2015 registered under Sections 420, 409 and 120B of the Indian Penal Code.

In brief, the allegation is that paddy was procured by the PACS on the basis of fake, fabricated and irregular rent receipts alleged to be issued by the petitioner being Circle Officer of the Panchayat in question and on that very basis enforcements were released by the Circle Inspector but the enforcement register and other relevant documents were not found in the office during enquiry and the Head Clerk of the office informed that these documents were taken away by this petitioner and two PACS have

misappropriated the government money to the tune of Rs.29,49,480/- and 32,95,080/-.

Learned counsel for the petitioner has submitted that during investigation it has transpired that the defalcated amount was only about Rs.4,00,000/- and not the figure as shown in the FIR. He has further contended that the petitioner is innocent and his implication in the present case is based on hypothetical presumption and wild suspicion.

It would be evident from the impugned order that in course of investigation it transpired that false and fake receipts were authenticated by the petitioner and the relevant documents were taken away by him in order to conceal the evidence.

Regard being had to the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his application for pre-arrest bail is rejected.

(Ashwani Kumar Singh, J)

Md.S./-

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