

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44595 of 2014

Arising Out of PS.Case No. -32 Year- 2014 Thana -SURYAPURA District- SASARAM (ROHTAS)

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SAROJ KUMAR, SON OF SRI FAGUNI RAM, RESIDENT OF
VILLAGE-SYARKOTHA, P.O.+P.S.-DARIHAT, DISTRICT-ROHTAS.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Ram Sandesh Roy, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI**

ORAL ORDER

3 08-04-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Petitioner who happens to be accountant became absent from his duty. Therefore, inventory was prepared and at a glance defalcation of Rs.15 lacs along with misappropriation other items have been detected.

It has been submitted on behalf of petitioner that neither he has been entrusted with the work nor being accountant, was expected to deal with cash and that being so, the allegation of defalcation against the petitioner happens to be prima facie absurd more particularly in the background of the fact that his appointment happens to be on Ad-hoc basis. Furthermore, it has been submitted that during course of investigation none of the witnesses have stated that cheques in question happens to be under the control of the petitioner. That being so, the details of defalcation on account of withdrawal

from particular cheques number as narrated by the informant under his further statement recorded under para-5 of the case diary also happens to be illegal, incorrect and suffers from ulterior motive to pose the petitioner as a scapegoat. It has also been submitted that para-15 contains statement of one of the doctor, namely, Shambhu Kumar who had stated that after having signature of informant over the cheques, the cheques was being produced by the petitioner for his counter signature. That being so, again rules out the possibility of defalcation that too exclusively by the petitioner. That being so, petitioner is entitled for an anticipatory bail.

The learned Additional Public Prosecutor opposed the prayer and submitted that during course of investigation the Investigating Officer is fully competent to transpose the informant as an accused in case his complicity is found along with the petitioner. However, petitioner's presence has been properly identified by the doctor Shambhu Kumar under para-15.

Hence, I do not see it a fit case for grant of anticipatory bail. Prayer for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J.)

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