

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33830 of 2014

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

1. Binod Kumar Tiwary Son of Late Rameshwar Tiwary Resident of Power House Road, Binodpur, Katihar, P.S. AND District-Katihar.

.... Petitioner/s

Versus

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

.... Opposite Party/s

with

Criminal Miscellaneous No.34955 of 2014

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

1. Roop Kumar Razak Son of Sri Ram Narayan Razak, resident of at AND P.O.- Shyamgarh Halt, P.S.- Kadwa, District- Katihar (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar Through S.p. C.B.I., Patna

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.33830 of 2014)

For the Petitioner/s : Mr. Amar Nath Jha

For the Opposite Party/s : Mr. Ramakant Sharma(L.O.I/C Vig.)

(In Cr.Misc. No.34955 of 2014)

For the Petitioner/s : Mr. Amar Nath Jha

For the Opposite Party/s : Mr. Bipin Kumar Sinha C.B.I

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 27-01-2015 Both the above stated petitions arise out of R.C. No. 21A of 2013 corresponding to Special Case No. 09 of 2013 for the offences punishable under section 120B, 409, 467, 468 and 471 of the Indian Penal code and section 13 (1) (c) and (d) of the Prevention of corruption Act and accordingly both the above

stated petitions are being disposed of by this common order.

Admittedly, the petitioner in criminal Misc. No.33830 of 2014 was posted at Sub-Post Office, Durganganj as sub-post master from 18.09.2012 to 10.08.2013 and it is also an admitted position that petitioner in Cr. Misc. No.34955 of 2014, was posted twice at the aforesaid post office as sub-post master and his first tenure was from 01.08.2004 to 31.12.2007, whereas his second tenure was from 13.06.2009 to 17.09.2012. It is stated that the officials of the above stated post office including petitioners used to increase the amount in money orders and ensure the payment to fake persons causing huge loss to government exchequer.

Learned counsel appearing for the petitioners submits that admittedly, petitioner in Cr. Misc. No.33830 of 2014 joined the said post office on 18.09.2012 and work there for a very short period i.e up to 10.08.2013. It is further contended by him that when the above stated petitioners joined the aforesaid post office and noticed the unusual flow of money orders coming from Delhi, he sent a letter to the concerned Post Office, Delhi to verify the money orders and in response to the aforesaid letter of the above stated petitioner the concerned post office gave its reply after verifying the vouchers of the said money orders. It is further contended that the aforesaid report as well as vouchers were kept



by the petitioners in a box of the post office and on the very next day i.e on 21.12.2011, when he came to the post office, he found that a theft had been committed and all the vouchers of the money orders along with verification report had been removed from the said box and thereafter, he lodged a criminal case against Barun Kumar and several others and as a matter of fact, it is petitioner in Cr. Misc. No.33830 of 2014 who, highlighted the occurrence of the present case but unfortunately he has been too dragged in this case with intent to save the real culprits.

Learned counsel appearing in Cr. Misc. No. 34955 of 2014 reiterated the above stated submissions and also added that the aforesaid petitioner is in jail custody since 19.06.2014 and the investigation of this case has already been completed.

On the other hand, learned counsel appearing for C.B.I, vehemently, opposed the prayer arguing that in course of investigation, the statement of witnesses was recorded under section 164 of the Cr.P.C in which they very clearly stated that it were petitioners who, managed and committed the present occurrence

No doubt, the statement of some witnesses were recorded under section 164 of the Cr4.P.C which is evident from perusal of Annexure-2 series of Cr. Misc. No.33830 of 2014 but

admittedly, the above stated statements were recorded on 20.06.2014 and much prior to the above stated statements petitioner in Cr. Misc. No. 33830 of 2014 had already lodged criminal case against the aforesaid witnesses which is evident from perusal of Annexure-3 to the Cr. Misc. No.33830 of 2014. Moreover, the statements of the aforesaid witnesses reveals that it was petitioner in Cr. Misc. No.34955 of 2014 who, appears to be master mind of the entire occurrence

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner in Cr. Misc. No. 33830 of 2014, namely, Vinod Kumar Tiwary be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Special Judge, C.B.I, Patna in connection with Special Case No. 09 of 2013 arising out of R.C Case No. 21A of 2013.

So far as, petitioner in Cr. Misc. No/ 34955 of 2014 is concerned, his prayer for bail stands rejected, at least, at this stage.

(Hemant Kumar Srivastava, J)

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