

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15595 of 2015

Arising Out of PS.Case No. -222 Year- 2014 Thana -BODHGAYA District- GAYA

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Mukesh Kumar Singh S/o Late Raghubir Prasad Singh Resident of Village /
Mohalla Amarua, P.S. Barachatti, District Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. J.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 22-05-2015

Heard learned counsels for the petitioner and

the State.

The petitioner is languishing in custody since 26.11.2014 in a case registered for the offences punishable under Sections 467, 468, 471, 420, 419, 120B and 409/34 of the Indian Penal Code.

The prosecution case as per written report of the Incharge Medical Officer of Primary Health Centre, Bodh Gaya dated 17.07.2014 to the effect that after the informant's joining at Primary Health Centre, Bodh as a Incharge Medical Officer he detected some embezzlement, hence, information to that effect was given to Chief Medical Officer, Gaya and consequently three Men Committee was constituted. On the basis of finding of committee the Chief Medical Officer, Gaya vide



Memo No. 1663 dated 11.07.2014 directed to lodge FIR against the then Incharge Medical Officer, Accounts Clerk and others for the embezzlement of Rs.25,43,866/- and directed to take steps for realize of the amount. The said embezzlement was related to the financial year 2011-12 and 2012-13. The informant himself enquired about the matter and found that the embezzlement continued till 2013 and found that the money was embezzled through the account of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner was working as Messenger at Primary Health Centre, Bodh Gaya and the then Incharge Medical Officer used to route the transaction through the account of the petitioner. This fact has not been denied by the then Incharge Medical Officer. The Three Men Committee in its report dated 17.02.2014 did not find any charges specifically proved against the petitioner. The Three Men Committee raises suspicion against the Officers of Primary Health Centre, Bodh Gaya, Accountant and Treasurer and held the lodging of the FIR against the petitioner contrary to the rules. It is further submitted by learned counsel for the petitioner that for the same withdrawal between the period 2011-12 Bodh Gaya P.S. Case No. 310 of 2013 was registered on 15.12.2013 wherein the petitioner has been

granted anticipatory bail vide order dated 24.03.2014 by learned Sessions Judge, Gaya as contained in Annexure-3.

Considering the fact that the investigation has already concluded and Three Men Committee did not come to specific finding against the petitioner, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. Case No. 222 of 2014.

(Dinesh Kumar Singh, J)

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