

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50865 of 2016

Arising Out of PS.Case No. -13 Year- 2014 Thana -C.B.I CASE District- PATNA

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Murlidhar Kumar, son of late Shri Pramod Narain Kumar, resident of village Ramgarh, P.O. & P.S. - Kharik Bazar Dist Bhagalpur.

.... Petitioner

Versus

The State of Bihar through CBI, Patna.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajatshatru, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-12-2016 Heard the learned counsel for the petitioner and learned counsel for the C.B.I.

Petitioner is languishing in judicial custody since 22.06.2016 in connection with Special case no. 6 of 2014 arising out of RC case no. 13(A) of 2014 for offence alleged under Sections 120B r/w 420, 467, 468, 471 of Indian Penal Code and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988.

The prosecution case as alleged against the petitioner is that while the petitioner was posted as sub-postmaster of sub post-office, Gogri between 31.12.2010 to 22.11.2013, the petitioner along with other accused have misappropriated a sum of Rs.8704000/- under National Old Aged Pension Scheme by preparing forged list of old aged pension beneficiaries by



manipulating dues of payment, opening fake accounts in the name of fake persons and also created accounts of non-existing persons without the orders of the competent authorities especially when the State Government and the Postal Department had issued orders for stoppage of payment after 31st March, 2012.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted against him on 30.11.2015 and he is agreeable to cooperate with the investigation and provide all papers required by the C.B.I. and the Court as and when demanded. He further submits that one of the co-accused has since been granted the privilege of anticipatory bail in Cr. Misc. no. 11491 of 2016 dated 15.07.2016.

However, learned counsel for the C.B.I. submits that during investigation by the C.B.I., the petitioner has been found to have misappropriated an amount of Rs. 36 lakhs and above during his long tenure. He further submits that instead of stoppage of payment issued by the authorities, the petitioner has created fake accounts and withdrew and misappropriated Rs. 36,02,400/- and that the case of Vidyanand Vidyarthi who has been granted anticipatory bail in Cr. Misc. no. 11491 of 2016 is on a different footing as he had refunded about 60% of the alleged



misappropriated amount.

After perusal of the records and submissions of the parties and that the case of accused Vidyanand Vidyarthi is on a different footing and that the petitioner has not refunded any amount as on date, his prayer for bail is rejected at this stage.

(Nilu Agrawal, J.)

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