

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9089 of 2016

Arising Out of PS.Case No. -211 Year- 2007 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

=====

Birendra Kumar Singh S/o Late Kapildeo Singh resident of Village -
Bhikhanpura in front of Ramdayalu Railway Station, Muzaffarpur at present
residing at Village - Mohammadpur, P.S. - Sakra, District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Hemant Kumar Karan, Advocate

For the Opposite Party : Mr. Umesha Nand Pandit (App)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Muzaffarpur (Town) PS case no. 211 of 2007 for offences alleged

under Section 409 of the Indian Penal Code.

The prosecution story is that Sri S.K. Sinha,

Assistant Superintendent of Post Offices, West Sub division,

Muzafarpur lodged a written application to the Officer-in-charge,

Town P.S., Muzaffarpur mentioning therein that Sri Birendra Kr.

Singh (the petitioner) while posted as Assistant Postmaster at Sub

Post Office, Collectorate, Muzaffarpur, opened a one year term

deposit bearing account no. 1270365 of Smt. Meena Devi of

amount of Rs. 50,000/- on 27.01.2006 but he did not deposited the said amount in government account and thus embezzled Rs. 50,000/- government money. He has further alleged that amount of embezzlement is likely to increase.

It has been submitted by the learned counsel for the petitioner that he retired as Deputy Post-master on 31.07.2012 and the departmental proceeding against him is continuing since the year 2007 and the same has not yet been concluded. He further submits that the prosecution case although is of the year 2007 but investigation is going on and is not yet complete. He further submits that being a government employee all his retrial benefits has been withheld due to pending departmental enquiry.

However, learned APP for the State submits that although the petitioner has been charged of embezzlement in one more case as such he opposed the prayer for bail.

Be that as it may, since the petitioner is a retired government employee and departmental proceeding is also pending against him, the case being of the year 2007 and investigation not yet complete, let petitioner above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two

sureties of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Muzzafarpur in connection with Muzaffarpur
(Town) PS case no. 211 of 2007, subject to the conditions as laid
down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

rinkee/-

U			
---	--	--	--