

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19516 of 2016

Arising Out of PS.Case No. -621 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Bimlendu Narayan Shahi @ Dineshwar Shahi, Son of Late Satya Narayan Shahi, Resident of Village- Chaumukh, P.O.- Chaumukh, P.S.- Bochahan, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shobha Devi, Wife of Garibnath Paswan, Resident of Village- Turki Bhutane, P.O.- Chaumukh, P.S.- Bochahan, District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyavrat Verma, Advocate

For the Opposite Party/s : Mr. Md.Arif(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 15-11-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner, being the Postmaster, is apprehending his arrest in connection with Trial No.3585 of 2015, arising out of Complaint Case No.621 of 2013, registered for the offence punishable under Sections 420, 467, 468, 471, 406, 409, 323, 504, 384 and 120B of the Indian Penal Code, in which cognizance of the offence was taken under Section 406 of the I.P.C.

A supplementary affidavit has been filed today bringing on record the money receipt of the Post-Office in the

name of the complainant.

Learned counsel appearing on behalf of the petitioner submits that a bare perusal of the documents annexed with the supplementary affidavit clearly reveals that save and except the one payment received from the State Government amounting to Rs.1152/- only, which was given to the complainant in her account, no payments were received in her name between the year 2009 and 2010. Thereafter also, no further payments were sent by the State Government. As such, the entire case as made out by the complainant stands falsified.

Having considered all facts and circumstances of the case and on consideration of entire documents, it appears that the prosecution against the petitioner stands belied by the documents which are annexed to the present application for anticipatory bail. As such, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, District-Muzaffarpur, in

connection with Trial No.3585 of 2015, arising out of Complaint Case No.621 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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