

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22599 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -BARH District- PATNA

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Rishu Kumar, Son of Late Ramesh Prasad, resident of Ghogha Gali,
Braham Asthan, Patna City, Police Station Chowk Patna City, in the town
and District of Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Nirmal Kr. Sinha(APP)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

2. 25-05-2016

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner apprehends his arrest in
relation to Barh P.S. Case No. 38 of 2016 registered
under Sections 420/409 of the Indian Penal Code.

The petitioner is a Peon in the Sub-
Divisional Office at Barh. It is alleged that he had been
directed to handover certain files and valuable papers to
deliver to another Office on 17.09.2015. It is alleged that
he showed the delivery thereof, Later on, after
investigation, the files were seized and recovered from
the house of the petitioner. Accordingly, the First
Information Report was lodged on 30.01.2016.

Sri Akhileshwar Prasad Singh, learned
senior counsel submits that the incident had taken place in

the month of September, 2015, however, after four months the First Information Report has been lodged. The reasons was that the petitioner having fallen sick to jaundice and could not being made his salary, and when he demanded the same, the authorities decided to implicate him. In course of investigation, no document has been brought on record to show that any file was entrusted to him nor any document to show that the files were seized from his residence.

Be that as it may, in the event of his arrest/surrender before the court below within four weeks, let the petitioner, namely, Rishu Kumar, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Barh, District – Patna, in connection with Barh P.S. Case No. 38 of 2016, subject to conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

(Navaniti Prasad Singh, J.)

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