

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35219 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -RAJPUR District- BUXAR

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1. Harendra Singh S/o late Ramchandra Singh R/o village- Saripur, P.S.- Sandesh, District- Bhojpur (Ara). At present posted as Post Master, Sikraul Post Office, P.S.- Rajpur, District- Buxar.
 2. Bansh Narayan Ram S/o late Mangai Ram, R/o village- Sikraul, P.S.- Rajpur, District- Buxar. At present posted as Post Man of Sikraul Post Office, P.S.- Rajpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 27-09-2016 Heard both sides.

The petitioners apprehend their arrest in Rajpur P.S. Case No. 31/2016, registered for the offences punishable under Sections 420, 406, 467, 468, 471 and 34 of the Indian Penal Code.

The informant Harinath Singh alleged that his 42 decimals land was acquired for construction of Chausa Thermal Power Station and compensation of Rs. 6,72,033/- was awarded to him. The compensation amount was deposited in the Axis Bank account of the informant on 21.09.2013 whereas the informant had given his account number of the Bank. When the informant enquired, it transpired that the Axis Bank sent the ATM and other

documents to Sikraul Post Office but the Postmaster handed over the ATM and other documents of the Axis Bank to Ajit Kumar Yadav who withdrew entire amount from the account of the informant from Axis Bank.

Learned counsel for the petitioners submits that the petitioners are postmaster and postal peon of Sikraul Post-office. The informant has given a letter (Annexure-2) to the Postmaster, Sikraul for handing over any letters addressed to him (the informant) to Ajit Kumar Singh @ Ajit Kumar Yadav.

During course of the investigation it transpired that money was withdrawn by Ajit Kumar Singh @ Ajit Kumar Yadav and at best the petitioners might have committed negligence. The Postmaster and postal peon did not withdraw any amount.

Considering the facts aforesaid and the fact that the petitioners are Postmaster and postal peon and they handed over the envelope containing ATM card of the account of the informant to his nephew who withdrew the entire amount from the account of the informant but the petitioners did not withdraw any amount, the petitioners above named in the event of their 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, are directed to be enlarged on bail on furnishing bail bond of Rs.

10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Rajpur P.S. Case No. 31 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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