

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18133 of 2016

Arising Out of PS.Case No. -73 Year- 2016 Thana -CHAPRA TOWN District- SARAN

Nagendra Kumar Shyam @ Nagendra Shyam, Son of Late Krishna Prasad Shyam, Resident of village - Ajayabganj, P.O. Chapra, P.S. Bhagwan Bazar, District - Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Pd.(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with Chapra Town P.S. Case No. 73/16 for offences alleged under Sections 406, 420, 467, 468, 471, 409, 120-B of the Indian Penal Code.

The prosecution case, on the basis of the complaint filed by the complainant, which was subsequently, registered as the present police case, is that the alleged maturity amount of the informant has been withdrawn from his account and on 10.04.2014 he received a letter from Senior Superintendent of Post Office that amount of Rs. 2,79,300/- has wrongly been credited to his account which was withdrawn by him on

04.12.2012 and 05.12.2012.



It has been submitted by the learned counsel for the petitioner that he being a Clerk in the Postal Department is innocent and is a Government employee. It has further been contended that there is inordinate delay of more than three years in lodging of the complaint case. He submits that there was irregular credit of Rs. 2,79,300/- by the Postal Department in the account of informant for which he was sent a notice by the Senior Superintendent of Post Office, Saran Division, Chapra on 10.04.2014 and that as an afterthought the informant has lodged this false case. It has further been submitted that the petitioner being a Government servant there is no likelihood to abscond or tamper with the evidence. He further submits that the another co-accused Binod Kumar Singh, who was also a Clerk in the Post Office, against whom similar allegation was made, has since been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 13836 of 2016 on 01.04.2016.

However, learned APP for the State submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Under such circumstances, since co-accused with similar allegation has already been granted the privilege of

anticipatory bail, 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/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Town (Saran) P.S. Case No. 73/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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