

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38109 of 2016

Arising Out of PS.Case No. -155 Year- 2016 Thana -RAJAUN District- BANKA

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1. Pradip Kumar Yadav, Son of Late Shiv Narayan Yadav resident of Dhaka
More, P.S. Barahat, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

07/ 22.11.2016 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with a
case registered under sections 406, 409, 420, 467, 468 and 471
of the Indian Penal Code.

Petitioner was working as Deputy post master at
Punisa post office and it is alleged that he embezzled huge
amount from the aforesaid post office. It would appear from
perusal of annexure 3 annexed with supplementary affidavit
that for the aforesaid occurrence Rajon P.S. Case no. 67/2013
was instituted against the petitioner and others for the offences
punishable under sections 406, 409, 420, 467, 468 and 471 of
the Indian Penal Code. Petitioner was granted privilege of
anticipatory bail in the above stated Rajon P.S. Case no.
67/2013 by a coordinate bench of this court vide order dated

26.11.2013 passed in Cr. Misc. no. 32600/2013 but again, after enquiry the Superintendent of Post office, Bhagalpur directed the Assistant post Superintendent, Banka to institute a fresh FIR against the petitioner and accordingly, present case i.e. Rajon P.S. Case no. 155/2016 for the same offences was registered against the petitioner.

It would appear from perusal of annexure 1 to the petition that after institution of Rajon P.S. Case no. 67/2013 in course of enquiry, embezzled amount was calculated and after that officials of the Postal department directed to institute a fresh FIR.

Learned counsel for the petitioner submits that for the same occurrence, two first information reports are not permissible.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/surrender within six weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in Rajon P.S. Case no. 155/2016 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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