

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7521 of 2013

Arising Out of PS.Case No. -15 Year- 2011 Thana -PALASI District- -

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1. Radha Mohan Ram S/O Late Fakir Ram, Ex-C.D.P.O., Palasi Block,
P.S.- Palasi, District- Araria Resident Of Village- Damodarpur, P.S.-
Sahpur, District- Bhojpur

.... 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. Amit Kr.Rakesh (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

11 28-04-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections 420/
406/409/120(B)/34 of the Indian Penal Code.

Diary in this case was called for earlier which has since
been received.

Allegation against the petitioner is that the petitioner being a
C.D.P.O, along with several others persons, had acted contrary to
the rules and had deposited money meant for government schemes
in Dehti PACS instead of depositing the said amount in
nationalized banks. It was alleged that for the said act, the
petitioner had received a commission of 5% for the amount so

deposited by him.

Learned counsel for the petitioner submits that the petitioner is alleged to have deposited 45 lacs in the PACS and different amounts have been deposited by other co-accused persons also. It is further submitted that it was in pursuance of such an act that the present case bearing Palasi P.S. Case No. 30 of 2009 was registered. He submits that several similarly situated persons who had deposited higher amounts, have been extended the privilege of anticipatory bail by the Court below itself and the petitioner's case also stand on similar footing. He further submits that the name of the petitioner came to be included on the basis of a confessional statement made by one Rudranand Jha who had stated that he in conspiracy with the PACS Chairman Shivanand Yadav, Ram Pukar Choudhary and the present petitioner had brought a letter from the D.D.C., S.M. Talha in the year 2000, deposited the amount of government money of government scheme in Dehti PACS for their own personal gain.

So far as the petitioner is concerned, he is one of the government officials who had co-operated with the said Rudranand Jha who has since been extended the privilege of regular bail. So far as Rampukar Choudhary is concerned, he too has been granted anticipatory bail in ABP No. 442 of 2011 vide

order dated 07.05.2011. Another co-accused Md. Perwaiz Alam has been granted anticipatory bail in A.B.P. No. 573 of 2011 vide order dated 07.05.2011, one Ramesh Jha, a B.D.O., who has also been alleged to be having similar allegation was also extended the privilege of anticipatory bail in A.B.P. No. 291 of 2011 vide order dated 23.04.2011.

Learned counsel for the State after perusal of the case diary submits that in several paragraphs of the case diary, it has come that the petitioner along with others had been responsible for depositing the amounts in the PACS instead of in the nationalized bank.

Countering the submission, Learned counsel for the petitioner submits that the said issue arose only on account of the letter of the D.D.C., S.M. Talha in the year 2000 which became the basis of such deposits and that it was not for any personal gain.

Considering the aforementioned facts and circumstances and there being no cogent material in the case diary, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Araria, in

connection with Palasi P.S. Case No. 15/2011, subject to the
conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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