

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21718 of 2016

Arising Out of PS.Case No. -228 Year- 2015 Thana -KAHALGAON. District- BHAGALPUR

Birendra Kumar Lal @ Birendra Lal Son of late Pitamber lal Resident of
Village- Dherukh PS Bahora, District Darbhanga Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjayu Kumar Singh

For the Opposite Party/s : Mr. Dr. Indihar Kumari (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 19-05-2016 Heard the counsel for the petitioner and the APP for the
State.

Apprehending his arrest in Kahalgaon (Rasalpur O.P.)
P.S. Case No. 228 of 2015 registered under sections 409 and
420/34 IPC, the petitioner seeks anticipatory bail. The FIR was
lodged against three unknown accuseds, including the petitioner,
who was then serving as revenue **Karamchari**. In substance, the
allegation is that in distribution of incentives, the government
money was embezzled in the sense that the incentives were given
to one family on the strength of revenue receipt(s) issued by the
petitioner.

The contention of the petitioner is that the allegation
pertains to all the three accuseds who were at the relevant time

posted in the Block. Another co-accused namely Pankaj Kumar Singh has been granted anticipatory bail.

The learned APP opposed the prayer and referred to the impugned order as well as the FIR from which it appears that the petitioner was not only the maker of the revenue receipt(s) but also involved in preparation of the list of beneficiaries. The case of the petitioner, in my view, stands on different footing.

Considering the allegation made in the FIR and other materials reflected from the records, I am not persuaded to extend the privilege of anticipatory bail to the petitioner. Prayer is accordingly rejected. The petitioner may surrender and seek regular bail. If he does so, the same shall be considered on its own merit by the court below unprejudiced by the present order.

(Kishore Kumar Mandal, J)

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