

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53365 of 2016

Arising Out of PS.Case No. -13 Year- 2014 Thana -C.B.I CASE District- PATNA

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Vijay Kumar son of Late Maheshwar Prasad resident of village Berna, P.S.
Gogri, District - Khagaria.

.... Petitioner/s

Versus

The State of Bihar through C. B. I., Patna, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Bipin Kumar Sinha (SC,CBI)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

12 17-05-2017 Heard learned counsel for the petitioner and the learned
standing counsel appearing for the C.B.I.

Petitioner is languishing in judicial custody since 11.08.2016 in connection with Special Case No. 6/2014 arising out of R.C. No. 13/14 for the offence alleged under Sections 120B r/w, 420, 467, 468, 471 of the I.P.C. and 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

The prosecution case as alleged against the petitioner is that while he was posted as postal peon attached to Borna post office which is under Sub Post Office, Gogri, Khagaria, he was made incharge as Branch Post master of Borna.

Allegation against the petitioner is that a sum of Rs. 50,34,600/- has been misappropriated by opening S.B. account in the name of four beneficiaries which was alleged to have been



misappropriated under National Old age pension scheme by preparing forged list of old age pension beneficiaries and opening Bank account and also creating non-existing persons in spite of the orders of the competent authority especially when the Postal department and the State Government had issued orders for stoppage of payment after 31st March, 2012.

The learned counsel for the petitioner submits that he is innocent and has been falsely implicated in the aforesaid case, as he was just a postal peon officiating as the Branch Post master and charge sheet has already been submitted on 30.11.2015 and is agreeable to co-operate with the investigation and to assist to the C.B.I. during the course of enquiry and co-operate during trial. He submits that one of the accused Vidyanand Vidyarthi has been granted the privilege of anticipatory bail in Cr. Misc. No. 11491 of 2016 on 15.7.2016 by a co-ordinate Bench of this Court.

Heard learned counsel for the C.B.I. also

Learned counsel for the C.B.I. submits that during course of investigation the petitioner is found to have misappropriated a sum of Rs. 50,34, 600/- by opening fake accounts and manipulating accounts of old age pensioners. He further submits that one another co-accused Murlidhar Kumar had moved for bail, but his bail application has been rejected in Cr.



Misc. No. 50865 of 2016 on 14.12.2016, although the allegation of misappropriation against him was of lesser amount.

Considering the facts and circumstances and the materials on record, the case of co-accused Vidyanand Vidyarthi was on a different footing to that of the petitioner and the petitioner has not deposited the amount till date, hence his prayer for bail in connection Special Case No. 6/2014 arising out of R.C. No. 13/14 is rejected at this stage.

Mr. Bipin Kumar Sinha has returned the case diary. The Registry is directed to return the case diary, which has been sent to this Court, under sealed cover.

(Nilu Agrawal, J)

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