

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8563 of 2017

Arising Out of PS.Case No. -209 Year- 2016 Thana -WARISNAGAR District- SAMASTIPUR

=====

1. Ajay Paswan @ Ajay Kumar Paswan, S/o Deo Harain Paswan, Resident of Village- Bharpura Chochahi, P.S.- Bibhutipur, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party : Mr. Shailendra Kumar -2 (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-03-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 209 of 2016, registered for the offences punishable under Sections 420, 406, 469, 470, 472 of the Indian Penal Code.

Allegedly, petitioner deposited from time to time in the account of post office total Rs. 1,86,000/- and only one staff posted at that office was the petitioner thereafter, the petitioner became traceless and from INTERNET the informant came to know that only Rs. 100/- was deposited in her account in place of Rs. 1,86,000/- and further the petitioner made the passbook also traceless thereafter the informant tried her best for claim in the



post office, she also filed petition in the police station but nothing was done and then the informant filed petition before Superintendent of Police and the Superintendent of Police called for report and report was submitted by officer-in-charge concerned wherein it was found that the petitioner has cheated several villagers, but no F.I.R. was lodged and then the complaint case was filed giving rise to this case.

Submission is of false implication and that after much delay the case has been lodged, the petitioner has got no concern with the informant, the petitioner at the relevant time was the postmaster, he never became traceless, the husband of the informant was postal peon so it appears not probable that the informant will deposit the amount through the petitioner. From Annexure-2, it reveals that on 06.08.2010 in the account of the informant amount of Rs. 28,000/- was deposited and on 17.09.2010 she withdrew the amount of Rs. 5,000/- and on 13.10.2010 she withdrew the amount of Rs. 22,900/-, resulting, only Rs. 100/- was balance in her account. The petitioner has never withdrawn the amount from the account of the informant and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that during investigation the witnesses have



supported the allegation.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 209 of 2016, pending in the Court of learned Chief Judicial Magistrate, Samastipur.

(Jitendra Mohan Sharma, J.)

Rajiv/-

U			
---	--	--	--

