

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23480 of 2017

Arising Out of PS.Case No. -60 Year- 2016 Thana -GHOSI District- JEHANABAD

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Ramesh Kumar Sharma, son of Late Dharendra Nath Sharma, resident of Village-
Sipah, P.S.- Arwal District- Arwal. at present posted clerk at Additional Primary
Health Center Sonma, P.S.- Ghosi, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 11-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Ghosi (Okari) P.S. Case No. 60 of 2016 dated 06.03.2016 instituted
under Sections 406/409/420/467/468/34 of the Indian Penal Code.

3. The allegation against the petitioner is that he had
prepared the bill by which excess payment was made of G.P.F.
amount to five persons.

4. Learned counsel for the petitioner submitted that the
persons who had drawn the excess amount have now deposited it in
the treasury and on the basis of the same have been granted
anticipatory bail by the court below itself. It was further submitted
that the Medical Officer who had directed for payment to be made has



also been granted anticipatory bail by a co-ordinate Bench of this Court on the ground that he is a government servant.

5. Learned A.P.P. submitted that the petitioner has not moved the Court with clean hands as he has disclosed antecedent of only two cases whereas two more cases, being Hulasganj P.S. Case No. 83 of 2011 and Ghoshi (Okari) P.S. Case No. 187 of 2010 are also pending against him. It was further submitted that the Medical Officer had only directed for making payment whereas it was the petitioner, being the Head Clerk, who had actually prepared the bill on the basis of which payment has been made and him having done the same for much higher amounts than what was due, there is clear cut connivance and the petitioner cannot be said to be innocent.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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