IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43763 of 2017

Arising Out of PS.Case No. -434 Year- 2017 Thana -KHAGARIA District- KHAGARIA

==

1. Kumar Manish Son of Sri Manoj Pd. Yadav, R/o Village- Barateni, P.O.- Laskari, P.S.- Udakishunganj, District- Madhepura at present Suspended Sub-Postmaster, Sub-Post Office, Koshi College, Khagaria, P.S. & District- Khagaria .... Petitioner

Versus

1. The State of Bihar .... Opposite Party

==

Appearance :

For the Petitioner : Mr. Anand Kumar Ojha, Adv.
For the Opposite Party : Mr. Pranav Kumar, APP 207

==

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 06-10-2017

Heard Mr. Anand Kumar Ojha, the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

The petitioner apprehends his arrest in Town Tana/Chitragupta Nagar P.S. Case No. 434 of 2017 under Sections 420, 406 and 409 of the Indian Penal Code.

The informant alleged that the petitioner was posted as Deputy Post Master in Sub Post Office, Kosi College, Khagaria. The informant is the Postal Inspector. During the course of inspection he found that the petitioner made interpolation in eight accounts and without depositing any amount showed the deposit of Rs.77,93,990/-. It is, further, alleged that five automated teller machine cards (ATM cards) were issued after forging the signature of the account holders and also withdrew Rs.13,07,501/-.

Mr. Anand Kumar Ojha, the learned counsel for the petitioner submits that the petitioner was Deputy Post Master of Sub Post Office, Kosi College, Khagaria. On account of heavy work, he engaged his own brother-in-law to assist in the operation of the Post Office, but, his brother-in-law committed fraud. When the petitioner came to know about the interpolation by his brother-in-law, the wife of the petitioner went to house of her father and brought the defalcated amount from her parents. Consequently, brother-in-law of the petitioner committed suicide. It is, further, submitted that the petitioner deposited the entire amount, i.e., Rs.13,07,501/-. It is, further, submitted that the petitioner has already been put under suspension and departmental enquiry is being held, hence, petitioner may be enlarged on anticipatory bail.

I find that it was the petitioner who was the custodian of Sub Post Office, Kosi College, Khagaria. He never informed his high officials about the work load nor demanded any help for the reasons best known to him. The petitioner employed his own brother-in-law and allowed him to operate the accounts of different account holders. The Post Inspector found that it was the petitioner who made interpolation and without depositing a single farthing showed that Rs.77/- lacs and odd have been deposited in different accounts in computer, besides, that the petitioner also kept automated teller machine cards (ATM cards) after forging the signatures of different account holders and withdrew Rs.13/- lakh and odd.

Considering the allegation, I am not inclined to enlarge the petitioner on anticipatory bail.

The prayer for anticipatory bail is **rejected**.

The petitioner, if so advised, may surrender before the Court below, the learned Court below shall consider the regular bail of the petitioner taking into consideration that the amount alleged to have been withdrawn by the petitioner has already been deposited.

(Prabhat Kumar Jha, J)

SA/-

U	√	T	√