IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38277 of 2017

Arising Out of PS.Case No. -131 Year- 2015 Thana -PALIGANJ District- PATNA

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1. Niraj Kumar Sinha Son of Shri Vijay Kumar Sinha, R/o Mohalla-Maharani Colony, Road No.1, Chhoti Pahari, P.S.- Beypass, Gulzarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anjani Kumar Sinha
For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 22-08-2017 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Paliganj P.S. Case No. 131 of 2015 instituted for the offences punishable under Sections 419, 420, 406, 409 and 120-B of the Indian Penal Code.

This is a case of fraudulent withdrawal of Rs. nine lacs from the G.P.F. account of the informant.

The learned counsel for the petitioner submits that the petitioner was posted as Data Entry Operator on the relevant date and his duty was to make entry of different bills in the computer system. The learned counsel referred annexures annexed with this supplementary affidavit to show that the said

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amount was deposited in the account of Suman Kant Sinha, who was Treasury Messenger-cum-Clerk in the G.P.F. Office and his mother. The main co-accused Suman Kant Sinha is in custody. The Drawing and Disbursing Officer namely, Arjun Prasad Sahu has been allowed anticipatory bail by one of the co-ordinate Bench of this Court on 10.05.2017 in Criminal Miscellaneous No. 12860 of 2017. The case of this petitioner stands on better footing as he had no role in the alleged withdrawal. It was also submitted that after investigation, police have submitted charge-sheet against six persons excluding this petitioner.

The learned A.P.P. for the State opposed the submission by submitting that the name of this petitioner surfaced in confessional statement of one of the co-accused.

Considering the nature of allegation against the petitioner and also the fact that the case of this petitioner stands on better footing than the co-accused allowed anticipatory bail, the anticipatory bail prayer is allowed. The petitioner, above named, in the event of arrest / surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Danapur, Patna in connection with Paliganj P.S.

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Case No. 131 of 2015, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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