

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.56655 of 2017**

Arising Out of PS.Case No. -237 Year- 2017 Thana -GHOSI District- JEHANABAD

=====

1. Ramesh Kumar Sharma, Son of Late Dharendra Nath Sharma, Resident of Village- Sipah, P.S.- Arwal, District- Arwal, At present residing at Mohalla- Unta Madarpur P.S.- Jehanabad, District- Jehanabad.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

=====

**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

2      12-12-2017      Heard learned counsel for the petitioner as well as learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Ghoshi (Okari) P.S. Case No.237 of 2017 registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The informant of this case is in-charge Medical Officer of Ghosi P.H.C., Jehanabad. In his written report submitted to the S.H.O., it has been alleged that the then in-charge of said P.H.C. Dr. Md. Ekbal Haidar and this petitioner in collusion with each other illegally released salary to tune of Rs.60, 16, 963/- during the period of suspension and absence of employees, who were terminated from service. The learned counsel for the petitioner



submitted that one Ramanand Prasad Singh was terminated from service on 26.04.2006 by the Civil Surgeon, Jehanabad. The said terminated employee filed C.W.J.C. No.13414 of 2012 which was allowed by this Court on 07.08.2012 and the employee was directed to join the service on 14.06.2013. Another employee against whom departmental proceeding was initiated also moved this Court and filed C.W.J.C. No.2963 of 2010 which was disposed of on 21.03.2013. The writ was allowed and the said employee also joined his service. In view of the order of this Court, the then in-charge Medical Officer and this petitioner, who was Assistant in the office, prepared a Bill and amount was paid to the employees. There is absolutely no allegation of defalcation against this petitioner. The persons, who were terminated and received their salary after joining as per direction of this court, have not been made accused in the present case. The Civil Surgeon has further issued two letters for recovery of excess amount from the concerned employees. The petitioner was arrested on 30.07.2017 in Ghoshi (Okari) P.S. Case No.60 of 2016 and he was allowed bail by one of the coordinate Bench of this Court in Cr. Misc. No.45921 of 2017 and Cr. Misc. No.45891 of 2017. It has been also submitted that the petitioner has not defalcated any amount, which is apparent from the material on



record and so he deserves bail.

The learned A.P.P. for the State opposed the submission.

From perusal of order passed in C.W.J.C. No.2963 of 2010, it appears that one of the terminated employee was allowed subsistence allowance for the period of suspension treating him to be in service. The joining of terminated employee was accepted by the Civil Surgeon-cum-Medical Officer, Jehanabad vide Memo No.1210 dated 14.06.2013. The allegation of defalcation appears to be omnibus and the step for recovery of excess amount has been taken by the office. The petitioner is in custody since 25.09.2017.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Jehanabad in connection with Ghoshi (Okari) P.S. Case No.237 of 2017.

**(Sanjay Kumar, J)**

Harish/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

