IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31506 of 2018

Arising Out of P.S.Case No. -576 Year- 2016 Thana -SAHARSA District- SAHARSA

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Bhupendra Priyadarshi S/o Late Braj Nandan Pd. Sinha, R/o Vill.- Vidyapati Nagar, P.S.- Sadar Sharsa, District- Sharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Surya Narain Prasad Sinha, Sr.Adv.
Miss Rashmi Bharti, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan
For the Informant : Mr. Mayashankar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 10-07-2018 Heard learned counsel for the petitioner, learned counsel for the Informant as well as learned APP for the State.

The petitioner is in custody in connection with Saharsa Sadar P.S.Case No.576 of 2016 registered for an offence under Sections 406, 420, 467, 468, 471 and 504 of the IPC.

The petitioner is agent of post-office. It is alleged that the informant opened three PPF account in her name and in the name of her family members on persuasion of the petitioner in the year 2000. The informant invested total amount of Rs.18,84,000/- but she was paid only 3,39,000/- as per account payee cheque. The petitioner has thus defalcated the remaining amount.

Learned counsel for the petitioner submits that the

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allegation is false and frivolous. The petitioner no doubt is postal agent and his role was only to get the PPF account opened. The informant has not deposited any amount through this petitioner. There is not a single chit of paper to show that any amount was deposited in the post-office through the petitioner. The account was opened in the year 2000 but the allegation of not depositing the said amount in the account of the informant has been levelled after 15 years. The petitioner is in custody since 27.03.2018 having clean antecedent and so he deserves to be enlarged on bail.

The learned APP as well as the Informant opposed the submissions by submitting that the petitioner collected more than 18,00000/- from the informant for depositing the same in all the three accounts of the informant but the petitioner has only paid to the informant Rs.3,39,000/- as per account payee cheque and so he does not deserve to be enlarged on bail.

On perusal of the FIR, it appears that the allegation of depositing Rs.18,84,000/- in all the three accounts of the informant is vague. The informant has not disclosed the manner of depositing the amount in the post-office. The petitioner had or has no role in operation of PPF account. There is no explanation for remaining silent for 15 years. The details of amount allegedly deposited in all the three PPF Account have also not been

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disclosed. The copy of pass-book annexed with the case diary shows that, the post-office has paid the amount after due calculation to the informant.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Saharsa in Saharsa Sadar P.S.Case No.576 of 2016 with following conditions:-

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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