

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33052 of 2018

Arising Out of PS.Case No. -14 Year- 2018 Thana -BHAGWANPUR District-
VAISHALI (HAJIPUR)

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Shubham Prasad, son of Kailash Prasad, Resident of Shivaji Path, Kishori Bhawan, Gali No. 259, Police Station- Gardanibagh, District- Patna, posted as Postal Assistant, Bhagwanpur Sub-Post Office, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through the Director, Postal Services, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :Mr. Awadhesh Kumar Singh, Adv.

For the Informant :Mr. Anjani Kr. Sharan, Adv.

For the State :Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 19-07-2018 Heard the learned counsel for the petitioner, informant/opposite party No. 2 and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Bhagwanpur P.S. Case No. 14 of 2018, dated 17.01.2018, instituted for the offences under Sections 420, 406 and 120(B) of the Indian Penal Code.

One Anupam Kumar Dubey, the then Assistant



Post-Master, Bhagwanpur Post-Office is alleged to have defalcated a huge amount of money in conspiracy with other functionaries of the postal department. The manner of defalcating the money was to deposit and withdraw money from the saving accounts of different account holders.

It has been submitted on behalf of the petitioner that when this fraud was detected, aforesaid Anupam Kumar Dubey deposited an amount of Rs. 34,00,000/- in the Treasury. During the period of investigation, aforesaid Anupam Kumar Dubey died. It has further been submitted that some of the other accused persons have been granted anticipatory bail by this Court.

The petitioner had joined as Postal Assistant at Bhagwanpur Post-Office and had worked there for approximately one and half years. During this period, aforesaid Anupam Kumar Dubey was the In-Charge, Sub-Postmaster and on his asking, the petitioner had shared his password, which was used by aforesaid Anupam Kumar Dubey in an unauthorized manner, giving effect to such defalcation.

Taking into account the fact that approximately, Rs. 34,00,000/- was deposited by aforesaid Anupam Kumar Dubey and some of the other accused persons have been granted anticipatory bail by this Court, the petitioner above



named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 14 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is, however, made clear that the petitioner shall participate in the investigation and shall present himself for answering the question of the investigating agency as and when required. The petitioner shall not make efforts to tamper with the evidence and if it is found that he is impeding or creating obstacles in proper investigation and its expeditious conclusion, it would be opened for the investigating agency to seek cancellation of his bail.

(Ashutosh Kumar, J)

Praveen-II/-

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