

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12203 of 2018

Arising Out of PS.Case No. -263 Year- 2017 Thana -MANSI District- KHAGARIA

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Sanjeev Kumar @ Sri Sanjeev Kumar, Son of Parshuram Prasad, Resident of village – Chakhussaini, Police Station – Mansi, District – Khagaria, Branch Post Master, Branch Post Office, Rohiyar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 27-02-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner being the Branch Postmaster is apprehending his arrest in a case registered for the offences punishable under Sections 420, 409, 467, 468, 471/34 of the Indian Penal Code and Section 66D of the Information Technology Act.

The prosecution case as per the written report of Dineshwar Sah, Assistant Postal Superintendent, Khagaria East submitted to Station House Officer, Mansi Police Station is to the effect that the petitioner and the co-accused persons fraudulently showed the deposit of Rs.83,32,041/- in the



post office and fraudulently withdrew the same amount from six savings accounts on different dates from different ATM booths which was detected from C.C.T.V. footage. It is also alleged that the petitioner obtained the user I.D./Password of co-accused and by virtue of the same the money was withdrawn.

It is submitted by learned counsel for the petitioner that the petitioner was posted as Branch Postmaster of Rohiyar Branch Post Office and the withdrawal was made in Mansi Post Office, hence, the petitioner cannot be held responsible for the same. It is further submitted that the alleged amount was deposited by the co-accused persons in the Post Office much prior to the lodging of the case and this fact finds place in the report of Postal Superintendent, Begusarai and considering the same co-accused Ajay Kumar @ Sri Ajay Kumar, who was also a Postmaster, has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 02.02.2018.

Learned APP submits that the co-accused has been granted anticipatory bail.

Considering the fact that the co-accused has been granted anticipatory bail since the total amount was deposited by co-accused persons prior to the lodging of the case



and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 263 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Since it appears that the investigation is still pending, the bail bond of the petitioner shall be accepted by the learned Court below on filing affidavit to the effect that the petitioner will regularly cooperate in the investigation. The non-cooperation in investigation will give liberty to the learned Court below to cancel the bail bond of the petitioner.

(Dinesh Kumar Singh, J)

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