

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6576 of 2018

Arising Out of PS.Case No. -767 Year- 2014 Thana -NAWADA District- NAWADA

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Sanjay Kumar Nirala S/o Sri Ram Barat Prasad, R/o Vill.- Shiv nagar,
Nawada, P.S. & Distt.- Nawada, Former Post Master, Sub Post Office, Par
Nawada, P.S.- Bundelkhand, Distt.- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 05-02-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner, being the Postmaster of
Sub Post Office, Par Nawada, Bundelkhand, is apprehending his
arrest in a case registered for the offences punishable under
Sections 120B, 420, 406, 467, 468, 471, 161, 162 and 165 of the
Indian Penal Code.

The prosecution case got initiated with the
filing of Complaint Case No. 1484 of 2014 by Ramkrishna
Viswakarma on 02.09.2014 which ultimately got registered as
Nawada Town P.S. Case No. 767 of 2014, after complaint being
transferred under Section 156(3) of Cr.P.C. The complainant's
case is that the complainant's mother Dhaniya Devi invested
Rs.50,000/- in Monthly Income Scheme but did not nominate



anybody as nominee in the said scheme. The mother of the complainant died on 29.05.2007 and subsequently Bharat Lal Vishwakarma got his name inserted in the nominee column of the MIS passbook, showing himself to be the son of complainant's mother, and the same was done in connivance with the petitioner, who is the Postmaster in the Sub Post Office and received the amount of Rs.50,000/-.

It is submitted by learned counsel for the petitioner that the payment has been made by the petitioner to Bharat Lal Vishwakarma, who is none else but own brother of the complainant. Since his name was there as nominee and proper sanction from Postmaster HSG-1, Nawada was issued vide letter dated 29.08.2011 and for the payment made in 2011 the complaint petition has been filed in 2014. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the delayed lodging of the case and the payment being made on the basis of sanction order to the nominee whose name has been entered in the account as nominee, 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, Nawada in connection with Nawada Town P.S. Case No. 767 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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