

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33928 of 2019

Arising Out of PS. Case No.-302 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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BIRENDRA KUMAR SINHA, Son of Late Sidheshwar Prasad, Resident of
Mohalla - Talavigaha, Aurangabad, P.S.- Aurangabad, Distt - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Post Master General, Bihar Circle, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr.Adv. Mr.Rakesh Singh, Adv.
For the State	:	Mr.Satyendra Prasad, APP
For the UOI	:	Mr. Ram Anurag Singh, CGC
For the Informant	:	Mr. Dhananjay Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-08-2019 Heard learned senior counsel for the petitioner,

learned counsel for the informants and learned APP for State as

also the Union of India.

The petitioner in this case is seeking anticipatory bail
in connection with Town P.S. Case No.302 of 2018 registered
for the offences punishable under Sections 420, 409 and 120(B)
of the Indian Penal Code.

Learned senior counsel for the petitioner submits that
the thrust of the allegations in the FIR is against one Nagendra
Kumar Sinha. The informants have alleged that the said
Nagendra Kumar Sinha, this petitioner and others had been



acting together and they have in an organized manner committed fraud and misappropriation to the extent of Rs.46 lacs approximately. It is submitted that so far as this petitioner is concerned, although he is named in the FIR, but there is no specific allegation against him. He has however been falsely implicated in this case because he happened to be the brother of the said Nagendra Kumar Sinha.

On the other hand, learned counsel representing the informant submits that this petitioner is named in the FIR. He along with his brother Sri Nagendra Kumar Sinha had been acting as an agent of the post office and this petitioner is equally involved in the misappropriation and fraud committed in the post office by interpolation of figures in the computer which were within the reach of the petitioner. Learned counsel has produced before this Court a copy of the account opening form of one Mohan Prasad Singh an investor on which the petitioner has signed as an agent giving his agency number. Learned counsel submits that in the various paragraphs of the case diary which have been taken note of by learned IXth Additional District and Sessions Judge, Aurangabad the investors have named this petitioner as one of the persons involved in the fraud and misappropriation causing huge loss to the investors.



Learned APP for the State as well as learned counsel for the Union of India have also opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case whereunder the allegations are that huge amount of investors have been misappropriated by committing fraud by the said Sri Nagendra Kumar Sinha, this petitioner and others who were working in the post office as agents and by virtue of their long stay in the post office had got reach to the computer system as also on the face of the allegations which have been specifically made against this petitioner in various paragraphs of the case diary by some of the investors like Ashok Kumar Singh, Mohan Prasad Singh and Shakuntala Tiwary in paragraphs 14, 21 and 24 of the case diary respectively, I am not inclined to grant anticipatory bail to the petitioner.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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