

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47679 of 2019**

Arising Out of PS. Case No.-84 Year-2011 Thana- SIWAN CITY District- Siwan

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BRAJ KISHOR SINHA Son of Late Muneshwar Prasad Resident of Village-
Fatepur, P.O.- Ramgarha, Via- Vasant, District- Saran (Chapra).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha

For the Opposite Party/s : Mrs. Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 31-07-2019 Heard both sides.

The petitioner apprehends his arrest in Siwan Town
P.S. case No. 84 of 2011 registered under Section 409 of the
IPC.

The informant alleged that petitioner, being Head
Clerk of Civil Surgeon office, Siwan did not hand over the
register of store room showing purchase of different articles
worth Rs. 35 lacs. The petitioner also took advance of rupees
1,85,000/- but did not adjust the amount till his retirement.

The learned counsel for the petitioner submits that
petitioner retired in the year 2012 and handed over charge and
nothing is lying due against the petitioner but it appears that
case was directed to be lodged against the petitioner on
25.12.2010 but the FIR was lodged on 19.04.2011 but it appears



that when the petitioner did not adjust the advance of Rs. 1,85,000/- and handed over the stock register of purchased articles of about 35 lakhs the FIR was lodged in the year 2011. The prayer of petitioner for anticipatory bail was rejected for the first time on 08.11.2011. The petitioner again filed Anticipatory Bail Petition No. 1860 of 2014 but the same was rejected on 13.08.2015. Again the petitioner filed A.B.P. No. 577 of 2019 and the same was rejected on 30.04.2019 and the petitioner is evading his appearance for last 8 years.

Taking into consideration the facts that the case was lodged in the year 2011 and even though the prayer of petitioner for anticipatory bail was rejected in the year 2011 and 2015 the petitioner did not surrender in the court and again moved before the learned Sessions Judge for grant of anticipatory bail in the year 2019 and for the last eight years the petitioner is evading his appearance in court, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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