

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5954 of 2020**

Arising Out of PS. Case No.-263 Year-2019 Thana- BELHAR District- Banka

SURESH RAM Son of Late Lakhichandra Ram Resident of Village - Naipur,
Mansurchak, P.S.- Beguisarai, Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 14-10-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest
bail in connection with Belhar P.S. Case No. 263/2019
registered for the offence under Sections 420, 467, 468, 471,
120(B) of the Indian Penal Code, pending in the court of learned
Chief Judicial Magistrate, Banka.

Learned counsel for the petitioner submits that as per
the First Information Report this petitioner and two persons of
the same parentage and same date of birth have been shown
engaged in Irrigation Department as Assistant Engineer on
promotion from Junior Engineer and an inquiry in this regard
reveal that this petitioner has been indulged in playing fraud
with the State Government and cheated the State Government.



In this regard the allegations made in the First Information Report based on the letter bearing no. 571 dated 30.08.2019 has been placed before this Court. It is alleged that a Three Member Inquiry Committee has found the allegations true against the petitioner.

Learned counsel for the petitioner submits that although as per allegations initially the Three Members Committee was constituted to examine the record of this petitioner and two others similarly named persons, in fact this petitioner had appeared before the Three Members Committee whereas the two other persons of identical name did not appear and therefore it may be concluded that this petitioner is a genuine person, whereas two other persons of similar name are not genuine.

Learned A.P.P. for the State submits that from the examination of the records and the materials which have come in the case diary, it is evident that the petitioner has played fraud with the Government by obtaining appointment on three Posts, one in the Water Resources Department and then in the Building Construction Department, Government of Bihar. Referring to the various materials collected in the case diary it has been shown that not only the father's name but even the wife's name



and PAN as also the name of dependents have been found similar in respect of two persons, whereas in respect of one the PAN Number is different but the father's name and name of dependents and wife's name are matching with this petitioner. It is thus submitted that in such cases to have an effective investigation the custodial interrogation of the petitioner would be required as the matter is still under investigation.

Having regard to the facts and circumstances of the case and in the nature of the materials available on the record particularly in the case diary, the gravity of the allegations and that the matter is still under investigation and custodial interrogation has been sought for, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The application is dismissed.

The interim order, if any, stands vacated.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

