

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64433 of 2019**

Arising Out of PS. Case No.-101 Year-2015 Thana- GOVINDGANJ District- East  
Champaran

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Vishnudeo Paswan, Son of Fuljhari Paswan Resident of Ishak Chak, P.S.-  
Mahnar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                            |
|----------------------|---|----------------------------|
| For the Petitioner/s | : | Mr. Binod Pd. Singh, Adv.  |
| For the State        | : | Mr. Parmeshwar Mehta, APP. |

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

4      16-06-2020      Heard learned counsel appearing for the petitioner  
and learned counsel appearing for the State through  
video conferencing.

Petitioner apprehends his arrest in connection with  
Govindganj (Malahi) P.S. Case No. 101/2015, GR No.  
1926/15 registered for the offence punishable under  
Sections 406, 409 and 420 of the Indian Penal Code.

Petitioner is not named in the First Information  
Report, but in course of investigation, the Additional  
Superintendent of Police, Crime Investigation  
Department, Bihar, Patna, gave a notice to petitioner on  
3.01.2018 for interrogation and it is submitted on behalf  
of the petitioner that in compliance of the aforesaid  
notice, petitioner appeared before the Additional



Superintendent of Police, Crime Investigation Department, Bihar, Patna and gave answers to the questions made by the concerned Police officials.

Learned counsel of the petitioner further submits that petitioner was working as clerk at the time of alleged occurrence and whatever has been done by the petitioner, the same has been done by him in compliance of orders of his superior officers.

Learned counsel of the petitioner, further, submits that FIR named accused Umesh Prasad, against whom there is an allegation of defalcation, has already been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court *vide* order dated 27.10.2015 passed in Criminal Misc. No. 30119 of 2015. He also points out that the then officials, namely, Rajdeo Ranjan as well as Qmre Alam @ Kamre Alam have also been granted privilege of anticipatory bail by different Benches of this Court and as a matter of fact, there is no material against the petitioner to show his involvement in the present case but even then Police is giving threatening to arrest him.

On the other hand, learned APP opposed the prayer.

Having heard the parties, I went through the case diary and I find force in the contention of the learned



counsel of the petitioner.

Admittedly, the petitioner was working as clerk at the relevant time and he has to only comply the order of his superiors.

Considering aforesaid facts and circumstances as well as submissions of the parties, the petitioner above named, in the event of his arrest or surrender within six weeks from the date of receipt of this order to the Court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-3, Saran in connection with Govindganj (Malahi) P.S. Case No. 101/2015, G.R. No. 1926/15 subject to conditions as laid down under Sections 438(2) of the Cr.P.C.

**(Hemant Kumar Srivastava, J)**

GAURAV S./-

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