

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84593 of 2019

Arising Out of PS. Case No.-195 Year-2019 Thana- BARGAINIA District- Sitamarhi

Sanjay Kumar Son of Late Ramnandan Prasad Resident of Village and P.O.-
Pakadi Basantpur, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.A.B.Ojha, Sr. Advocate Mr. Nitesh Kumar
For the Opposite Party/s	:	Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-01-2020 Heard learned Senior Counsel for the petitioner and
the learned APP for the State.

Petitioner apprehends arrest in Bairgania PS Case No. 195 of 2019 registered under Sections 402 and 409 of the IPC.

The petitioner being a Revenue Karmchari is implicated in this case, wherein allegation is made that he has not submitted the land revenue amount and amount of sairat settlement collected for the year 2018-19. The Return – I therefore could not be prepared. Alleging misappropriation of government money the FIR has been lodged by the Circle Officer on direction issued by the Collector, Sitamarhi.

It is submitted by learned Senior Counsel that the petitioner has been implicated falsely. Whatever amount had been collected by the petitioner has duly been deposited in the State Exchequer by the petitioner. Without examining these facts, without issuing show cause notice and without any



departmental action against the petitioner straightaway FIR has been lodged against the petitioner.

Learned APP has opposed the prayer. It is pointed out that for issuing false rent receipt earlier also the petitioner was implicated in Bairgania PS Case No. 10 of 2019 in which he was granted anticipatory bail by this Court in Cr. Misc. No. 28023 of 2019. It is further submitted that the FIR enumerates various volumes issued for collecting rent. By giving entire details the Circle Officer, Bairgania has lodged the FIR as to which volume of receipt have not been accounted for by the petitioner. The allegation in the FIR are in respect of misappropriation of government money and even in the investigation material has come against the petitioner as is evident from the order of the Sessions Judge, Sitamarhi rejecting the petitioner's application for anticipatory bail.

Having considered the rival submissions this Court is not inclined to allow petitioner's application for anticipatory bail. The petitioner would be at liberty to avail remedy of bail by surrender. In such event the observations made by this Court in the instant order shall not prejudice the petitioner's prayer for regular bail.

This application is dismissed.

(Madhuresh Prasad, J)

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