

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11667 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- BHITAHHA District- West Champaran

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Ramji Prasad Son Of Late Ram Dayal Sah Resident Of Village - Dhurpatti,
P.S.- Bishunpura, Distt.- Kushi Nagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kr Singh No. 1
For the Opposite Party/s	:	Mr. Parmeshwar Mehta
	:	Mr. Rajesh Kumar Verma (ASG)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Bhitaha P.S. Case No. 17 of 2020 registered for the offence punishable under Sections 409 and 420 of the Indian Penal Code.

As per the prosecution case petitioner being the *post man* in Branch *Dakpal*, *Bhitaha* had embezzled government money of Rs. 239595.25/-. It is alleged that petitioner's behaviour towards his duty due to which petitioner was put off from his duty with immediate effect.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that the petitioner was suspended on the ground of irregularity in service on 05.07.2018 and, thereafter, the present case states that the petitioner has embezzled the money of Govt. Rs. 239595.25 against which the petitioner denies his involvement rather he says that the present F.I.R. has been lodged against him without affording any opportunity or even a query to this effect. He submits that petitioner was suspended and even suspension allowance was not issued by the present informant then the petitioner approached for that salary before Central Administrative Tribunal, Patna through O.A. Case No. 1148/2019 which is still pending. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has one criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 25.09.2020.

Mr. Rajesh Kumar Verma, learned ASG submits that the petitioner while working as GDS BPM Bhitaha BO in a/c with Madhubani SO, has committed several irregularities and has never obeyed the instructions of the authority, he also has a habit of regularly writing false complaints to the Senior Officers of his department. He further submits that department has filed this case because of his continued absence to appear for enquiry.

Learned APP for the State opposed the bail petition.



Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Bhitaha P.S. Case No. 17/2020.

However, the petitioner is directed to co-operate in the departmental proceedings initiated by the authority concerned.

(Anjani Kumar Sharan, J)

GAURAV S./-

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