IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34230 of 2021

Arising Out of PS. Case No.-136 Year-2021 Thana- JAHANABAD District- Jehanabad

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RAJEEV KARAN, Gender-Male, aged about 36 years, Son of Basant Karan, Resident of Village - Nonhi, Police Station - Kako in the district of Jehanabad. Presently posted as Statistics Assistant - cum- Incharge Assistant, Accounts office, Jehanabad.

... ... Petitioner

Versus

THE STATE OF BIHAR

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Sunil Kumar, Advocate.
For the Opposite Party : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 20-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 419, 420, 467, 468, 471 and 409 of the I.P.C.

The prosecution story, in brief, is that the informant Smt. Rashmi Singh, District Programme Officer, Jehanabad, got register the present F.I.R. on the basis of written application dated 19.02.2021, alleging inter alias that Bank Account No. 84540200000039 exists in the name of District Programme

Officer, I.C.D.S. Jehanabad, in the Branch of Bank of Baroda (Vijya Bank) Jehanabad. After committing forgery and illegality, a huge amount has been withdrawn from the said account by Sri Rajiv Karan (petitioner), Statistical Assistant-cum-Incharge Accountant in District Programme Office, Jehanabad. It is further alleged that the informant took her charge as District Programme Officer, Jehanabad on 13.11.2020 and charge of cash book was taken on 18.11.2020. On 18.02.2021 at about 6.00 P.M., the informant came to know orally through Sri Sanjay Kumar Das, an employee of Bank of Baroda (Vijya Bank), that Sri Rajiv Karan was committing forgery by making forged signature of the then District Programme Officer, Jehanabad, namely, Smt. Sima Kumari. On the said information, the Statement of Bank Account was obtained from the concerned Branch on 19.02.2021 in morning. After obtaining the statement of account, prima facie the allegations were found correct. It is further alleged that earlier also Sri Rajiv Karan was asked by the informant to bring the statement of account but he did not comply the instructions. Through Bank statements, it came to know that Sri Rajiv Karan has transferred illegally a huge amount in his bank account of I.C.I.C.I. Bank from the said account of District Programme Officer, Jehanabad. It is further alleged that mobile phone sim number of Sri Rajiv Karan has been got authorised in Bank branch in place of government mobile phone sim number of District Programme Officer, Jehanabad, and the said government account was being operated through Net Banking by Sri Rajiv Karan.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The allegation of misappropriation of public money to the tune of Rs. 19,91,000.00/- (Rupees Nineteen Lacs and Ninety one Thousand) Only is denied by the petitioner. It is further submitted that the petitioner is ready to deposit an amount of Rs. 19,91,000/- (Rupees Nineteen Lacs and Ninety One Thousand) Only in the learned court below which shall be subject to final result of the case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner is directed to deposit an amount of Rs. 19,91,000/- (Rupees Nineteen Lacs and Ninety One Thousand) only in the learned court below which shall be subject to final result of the case. On doing so, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned C.J.M., Jehanabad, in connection with Jehanabad P.S. Case No. 136 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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