

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40199 of 2020

Arising Out of PS. Case No.-210 Year-2020 Thana- BANKA District- Banka

RAJESH KUMAR S/O RAVINDRA PRASAD YADAV RESIDENT OF
NEW COLONY MARUFCHAK, GUDARGANJ AMBAI, POLICE
STATION MOJAHIDPUR, DISTRICT BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-06-2021 Heard Mr. Ajay Mukherjee, learned advocate for

the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Banka P.S. Case No. 210 of 2020
(G.R. No. 720 of 2020), instituted for the offences under
Sections 406, 409 and 420 of the Indian Penal Code.

The accusation against the petitioner is that he
used his knowledge of computers for defalcating Rs. Seventy
Eight Lakhs in his capacity as Postal Assistant.

Learned counsel for the petitioner has submitted
that during the period when this offence was committed, the
petitioner was under suspension and that the amount in



question has already been returned by him and others.

These grounds do not weigh with this court for exercise of discretion for grant of anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the court below shall take into account the fact that the petitioner was under suspension during the period of offence and that the money has been deposited by the petitioner and others under protest and shall pass orders in accordance with law without being prejudiced by the fact that the present petition on his behalf has not been entertained.

The application stands disposed of.

(Ashutosh Kumar, J)

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