

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36359 of 2021

Arising Out of PS. Case No.-20 Year-2017 Thana- C.B.I CASE District- Patna

Sunny Shekhar Singh Son of Rajendra Singh Resident of Village + P.O.-
Basudeopur, P.S.- Kotwali, Distt.- Munger.

... .. Petitioner/s

Versus

The State Of Bihar Through The C.B.I.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udit Narayan Singh, Advocate

For the Opposite Party/s : Mr.Bipin Kumar Sinha, S.C., CBI

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5. 08-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Special Case No. 12 of 2017, arising out of R.C. Case No. 20 (A) of 2017, registered for the offence under Section 120(B) r/w Sections 409, 420, 467, 468, 471, 477(A) of I.P.C. and Section 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act, 1988.

As per the prosecution case, this petitioner alongwith F.I.R. named accused misappropriated Rs. 95,39,100/- from sixteen saving accounts of N.D. Road, Sub-Post Office, Munger and another Sub-Post Office, Munger.

Petitioner is not named in the F.I.R. and name of the petitioner has transpired during course of investigation in the confessional statement of co-accused. Petitioner denies the allegation that he, being a Data Entry Operator, in collusion with



F.I.R. named accused persons, had misappropriated huge amount belonging to the Post office. It is submitted that neither the petitioner was posted in any post office nor he was employee of the post office and there is no allegation that any amount or money, which was withdrawn, has been transferred to the account of the petitioner. Moreover, chargesheet has already been submitted and there is no allegation against the petitioner of tampering with the evidence or non-cooperation with the investigating agency and as such, no purpose would be served in allowing the petitioner to remain in custody. Petitioner is in custody since 11.11.2020.

However, learned Standing Counsel for the C.B.I. has vehemently opposed the bail petition and submitted that this petitioner, in collusion with Mrs. Talat Sultana, fraudulently withdrew huge amount of different accounts of Post Office. During course of investigation, it has come that petitioner was hired as a Data Entry Operator by the co-accused Mrs. Talat Sultana for committing fake withdrawal of Rs. 95,39,100/-. It is further submitted that the accused persons made false entries in the system/prepared false deposit slips showing deposits of Rs. 1,15,51,118/- and withdrew an amount of Rs. 95,39,100/- by preparing false withdrawal slips or through ATMs. Bail



application of co-accused Mrs. Talat Sultana has already been rejected by this Court.

In reply, it is submitted on behalf of petitioner that case of petitioner is distinguishable from co-accused Smt. Talat Sultana who was an employee of post office and posed as sub-post master, whereas the petitioner was neither employee of post office nor posted in the post office.

Considering the rival submission of the parties and the materials available on record and the fact that chargesheet has already been submitted and there is no allegation against the petitioner of tampering with the evidence, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-II, Patna in connection with Special Case No. 12 of 2017, arising out of R.C. Case No. 20 (A) of 2017, subject to following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below /investigating agency and shall remain physically present, as directed by the court concerned, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the



evidence or the witnesses, in that case, the prosecution would be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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