

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29194 of 2022

Arising Out of PS. Case No.-497 Year-2021 Thana- DIGHA District- Patna

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KUMAR GAURAV S/o Late Amrendra Narayan Singh R/o Mohalla-
Raghunath Tola, Anishabad, P.O. Anishabad, P.S.- Gardanibag, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2022 Heard learned counsel for the petitioner, Aradhna
Kamal and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471, 409, 120B and 34 of the Indian Penal Code.

The informant alleges that on inspection of Ganga Sone Flood Protection Division, Digha, shortage of various articles were found as detailed in the FIR.

Learned counsel for the petitioner submits that this is her maiden appearance and makes an interesting submission, it is submitted that any mistake committed during the course of argument may be condoned of by the sweet temper of the Hon'ble Chair.

Learned counsel for the petitioner next submits that



petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that the petitioner on the same charges was placed under suspension on 11.01.2022, but the department was not able to produce any prima facie evidence against the petitioner as such, the Chief Engineer on 12.04.2022 extended the period of suspension by four months in terms of the Rule 9(7) of the Bihar CCA Rules, 2005. Learned counsel next submits that the petitioner was deputed in the godown for sometime for assisting the storekeeper and was not the storekeeper and it was the duty of the storekeeper to maintain accounts, it is next submitted that when on the same charges a departmental proceeding has been initiated and the department within three months was not able to serve charge memo on the petitioner that in itself demonstrates that the authority did not have much evidence against the petitioner or the charge memo within time frame would have been issued to the petitioner but the same could not be done and the time was extended as aforesaid.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Digha P.S. Case No. 497 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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