

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28919 of 2022

Arising Out of PS. Case No.-338 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Upendra Narayan Tiwary, S/o Late Lal Mohan Tiwary, Present R/o Village/Mohalla- New Area, Post- Sasaram, P.S.- Sasaram (Model), Distt.- Rohtas and Permanent R/o Village- Dadhwa, P.S.- Dev, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Chandra Shekhar Azad, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sasaram (Model) P.S. Case No. 338 of 2017 registered for the alleged offences under Sections 420, 409, 467, 468 and 471 of the Indian Penal Code.

As per prosecution case, missing records from the office of the Consolidation Officer Sasaram at Rohtas were allegedly withheld by the petitioner. It is further alleged that the petitioner used to draw forged orders on the basis of missing



records which were never issued by the office.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was a daily-wage worker in the office and he was not the custodian of the records. Since he was not paid for quite long time, being aggrieved by the act of the informant, he was not in good mental condition and submitted an application whereby he stated that he had been resigning w.e.f. 10.12.2016 though he was a daily wages. In similar way, he stated that he would file a case before competent court for recovery of his payment of salary and all documents related to his charge would be deposited in the competent court. But the same was also stated due to disturbed mental condition of the petitioner. The petitioner filed a complaint case on 08.02.2017 and in retaliation, just thereafter, the instant case has been lodged by the Consolidation Officer. No inquiry has been made by the officer concerned and it has not been ascertained who was the custodian of the record during the relevant period. The present case is nothing but a vindictive action on the part of the informant. The petitioner is in custody since 22.03.2022 and the charge-sheet has been submitted only under Section 409 IPC. The petitioner has got clean antecedent.



Learned APP opposes the prayer for bail submitting that the irregularity has been committed by the petitioner while working as an employee in Consolidation Office, Sasaram.

Having regard to the submissions made hereinabove and considering the nature of work of the petitioner along with the allegation levelled against him and lack of substantive material on record against the petitioner and further considering the clean antecedent of the petitioner and submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas, Sasaram/court concerned in connection with Sasaram (Model) P.S. Case No. 338 of 2017, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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