

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38521 of 2021**

Arising Out of PS. Case No.-248 Year-2014 Thana- GANDHIMAIDAN District- Patna

Sachchidanand Sinha @ Sachida Nand Sinha S/O Late Brahmdeolal R/O
Road No 2a, Bishwanath Path, Postal Park, P.S-Jakkanpur, District And
Town-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 31-01-2022 At the outset, Mr. Vikram Deo Singh, learned counsel for the petitioner submits that though this petitioner was granted provisional bail by a learned Co-ordinate Bench of this Court vide order dated 08.12.2021 on the ground of the scheduled marriage ceremony of the son of the petitioner but because the petitioner was an accused in another case of Mokama, he was not released on bail, thus, the said order has not taken effect and the petitioner is still in custody.

The petitioner in the present case is seeking regular bail in connection with Gandhi Maidan P.S. Case No. 248 of 2014 registered for the offences punishable under Section 409 of the Indian Penal Code. He has been made accused in another case being Mokama P.S. Case No. 255 of 2015 under Section 409 IPC which is said to be an offshoot of the instant case. He is in custody since 16.4.2021.

As per the prosecution story, when the petitioner was on



deputation in the Zila Parishad, Patna as Junior Engineer (retired on 31.12.2013), under him certain works of 9 schemes were taken up but the petitioner did not submit the account despite being reminded by the authorities. The allegations were with respect to the alleged embezzlement of Rs. 40,85,000/- because of non-submission of the accounts, he had taken advance during the period January 2007 to February 2012 in respect of those schemes from the District Engineer, Zila Parishad, Patna.

Learned counsel for the petitioner submits that the petitioner has been made scapegoat in this case after his retirement and at the fag end of his life the allegations have been made against him with respect to those schemes. It is his submission that the petitioner had submitted the measurement book to the office with respect to the schemes in question but none of the engineers had produced the same to the informant, the submission is that the case is based on mistake of facts.

It is further submitted that when the petitioner moved before this Court seeking his post retiral dues in C.W.J.C. No. 1630 of 2015 the same was disposed of with a direction to release the dues of the petitioner subject to the production of no dues certificate from the department, thereafter the petitioner again moved to this Court for a direction to adjust his dues and the same was disposed of directing DDC, Patna to consider and pass a speaking order. Annexure '3 series' are the copies of the orders passed by this Court in the writ



applications of the petitioner.

It is then pointed out that the competent authority i.e. DDC, Patna has vide memo no. 1244 dated 24.07.2018 directed the BDO, Ghoswari to deduct a sum of Rs.51,86,404/- (after adjustment of the payable amount of Rs.7,07,040/- on account of the schemes) and against the balance amount of Rs.51,86,404/- is outstanding amount of salary, pension/gratuity and other retiral dues amounting to Rs.44,27,899/- were ordered to be adjusted. Further after adjustment of Rs.44,27,899/- the remaining amount of Rs.7,58,505/- were ordered to be adjusted out of the provisional pension amount payable to the petitioner since July 2017 to July 2018. Learned counsel submits with reference to Annexure '7' that the Block Development Officer, Ghoswari has issued orders contained in memo no. 898 dated 01.06.2019 saying that the amount of Rs.51,86,404/- has been adjusted and now there is no dues against the petitioner.

Mr. Sanjay Kumar, learned APP for the State is present and has not controverted the submissions advanced on behalf of the petitioner.

In the given facts and circumstances of the case where the petitioner who has retired from service in the year 2013 has already been subjected to the recovery of the amount said to have remained with him unaccounted and he is in custody since 16.04.2021, investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of



Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XIV, Patna in connection with Gandhi Maidan P.S. Case No. 248 of 2014, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

