

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56265 of 2021

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

Gautam Kumar S/O Sri Raju Ram @ Raj Kumar Verma R/o village- Lallu
Pokhar, P.S.- Kasim Bazar, District- Munger

... .. Petitioner/s

Versus

The State Of Bihar Through C.B.I

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Bipin Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 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 in this case on the basis of statement of F.I.R. named co-accused Abhas Ranjan. Petitioner denies the allegation that he 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any post office nor he was employee of the post office and there is no allegation that any amount or money, which was withdrawn, has been transferred to the account of the petitioner.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 therefore, no purpose would be served by keeping the petitioner behind bar. Petitioner is in custody since 18.02.2021.

However, learned Standing Counsel for the C.B.I. has vehemently opposed the bail petition and submitted that this petitioner alongwith co-accused Sunny Shekhar Singh, in collusion with F.I.R. named co-accused Mrs. Talat Sultana, Sub-Post Master, ND Road Post Office, Munger, fraudulently withdrew huge amount of different accounts of Post Office. 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, counsel for petitioner submits that case of petitioner is on different footing than that of co-accused, Mrs. Talat Sultana who was an employee of post office and posted as sub post master.

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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