

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66980 of 2021

Arising Out of PS. Case No.-287 Year-2018 Thana- GOPALPUR District- Patna

JAYDEEP KUMAR PASWAN Son of Sri Ramesh Paswan Resident of
Village- Nagwan, P.S.- Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No.1, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that the petitioner who was immediate Statistic Superior Sampathchak had taken advance amount for distribution of social safety pension but did not deposit the remaining amount of Rs. 24,91,774/- in the office and accordingly the District Magistrate, Patna had directed for instituting an F.I.R. against the petitioner as the petitioner misappropriated the aforesaid amount.



From bare perusal of the order impugned, it manifests that petitioner before the learned court below had undertaken to deposit the aforesaid amount as such learned court below was pleased to grant him anticipatory bail on the ground that petitioner has agreed to deposit the said amount within 60 days. The order granting anticipatory bail to the petitioner by the learned court below was dated 06.04.2019, the period of 60 days expired on 06.06.2019 and thereafter in 2021, the petitioner has moved this Court submitting that the condition imposed by the learned court below was onerous and hence the condition be modified. It appears that petitioner being a government servant is not fit to be in government service as he has absolutely no morals and has the audacity to move before the Superior Court against the order impugned alleging that the condition imposed was onerous when it was his own submission before the learned court below that he will be depositing the said amount. It absolutely does not stand to reason what the S.S.P., Patna is doing, how the petitioner is moving so freely even after violating the order of the court with impunity. The manner in which the petitioner has acted, gives an impression that he is a cunning litigant who is not fit to remain in government service because he has absolutely no regards for the orders of the court



and he chooses to violate it with impunity.

Learned counsel for the petitioner submits that the petitioner had received an amount of Rs. 50 lakhs (approx) for distributing it towards the pension scheme, out of the said Rs. 50 lakhs an amount of Rs. 25 lakhs (approx) was distributed as such Rs. 24 lakhs (approx), as alleged in the F.I.R., remained. It is next submitted that the petitioner had even represented the B.D.O. vide Annexure-2 submitting vouchers worth nearly Rs. 9 lakhs but the vouchers were not accepted by the B.D.O. Learned counsel next submits that District Statistical Officer, Vaishali vide his letter dated 19.08.2021 (Annexure-3) addressed to the Assistant Director Social Security Cell has stated that 40% from the salary of the petitioner should be deducted towards the dues which is still left. It is also submitted that some amount from the salary has also been deducted and despite realising the entire amount, the department is not issuing NoC as a result of which, the petitioner could not submit his bail bonds in pursuance of the order passed by the learned court below.

After hearing the submissions of the learned counsel for the petitioner, the learned A.P.P. for the State submits that it absolutely does not stand to reason that if what has been submitted by the learned counsel for the petitioner is correct and



true fact then what prevented him from moving the learned court below itself for seeking modification of the condition as imposed by the order dated 06.04.2019, it is next submitted that it appears that petitioner at leisure is moving, learned A.P.P. submits that if the B.D.O. was not accepting the vouchers then was it the fault of the court that his vouchers were not being accepted or the petitioner had remedy against that but it appears that the petitioner has not availed his remedy against the B.D.O. for not accepting his voucher. It is further submitted by the learned A.P.P. that petitioner ought to have moved the higher authorities bringing to their notice that the amount which is due has already been deducted from his salary and if the voucher amount is also taken into account then the entire dues stands paid but these efforts were not made by the petitioner and now the petitioner has moved before this Court seeking modification of the condition of the order dated 06.04.2019, as such the present anticipatory bail is thoroughly misconceived.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to interfere with the order passed by the learned court below.

The Court directs the S.S.P., Patna to look into the matter that as to why the petitioner despite flouting the order



passed by the learned court below after seeking anticipatory bail
is still roaming freely for the last nearly three years.

Let a copy of this order be sent to the S.S.P., Patna
forthwith.

(Satyavrat Verma, J)

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