

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67338 of 2021**

Arising Out of PS. Case No.-381 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Dev Nandan Das, Son of Jhaksu Das, Resident of Village - Bhagat Chauki,
P.S.- Munger (Mufassil), Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-07-2022 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 Samastipur Muffasil P.S. Case No. 381 of 2018 registered for the alleged offences under Sections 120 (B), 408, 409, 420, 465, 466, 468, 470, 471, 477A/34 of the Indian Penal Code.

The prosecution case is that an enquiry was conducted by S.D.P.O., Dalsinghsarai, which was entrusted to him when shortage of ammunition was detected in the armoury of



Samastipur Police Line. After a detailed enquiry, the petitioner and other co-accused persons were held directly responsible for the irregularity, manipulation of records, misfeasance and defalcation. The petitioner is stated to be Kot in-charge during the relevant period along with some other co-accused persons, who held the post from time to time.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has no role in the missing of ammunition. The petitioner was posted in the armoury from the period 10.10.2014 to 31.12.2016. After his retirement on 31.12.2016, he has been granted all his post retiral benefits and he has unblemished record during whole career in the police department. After one and half years of his retirement, an enquiry was conducted behind his back without any notice to him and completely in violation of principles of natural justice, the enquiry was completed and he was held guilty. Moreover, from the enquiry report, it is not clear what are the allegations against this petitioner except general allegation that he was the in-charge during the period of two years and there was his complicity in the alleged occurrence. Learned counsel further submits that in the enquiry report, three persons have been held guilty, who did manipulate the record and there is nothing



against this petitioner for committing any wrong doing. Learned counsel further submits that the co-accused Umashankar Singh, who has been dismissed from service after enquiry, has been granted bail by a Coordinate Bench of this Court vide order dated 20.05.2022 passed in Cr. Misc. No.69073 of 2021. Another co-accused Rajendra Giri has been granted privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 12.07.2022 passed in Cr. Misc. No.62272 of 2021 and the case of the petitioner is on much better footing than these co-accused persons. The petitioner is in custody since 18.09.2021 and the charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that it is a matter of very grave nature in which ammunition have been taken out from the armoury after manipulating the records. The petitioner and other co-accused persons are directly involved in the missing of ammunition.

Perused the records.

Having regard to the rival submissions and specially made on behalf of the petitioner and considering the fact that the charge sheet has been submitted in this case and further considering the fact that co-accused persons have been granted anticipatory bail/bail by Coordinate Benches of this Court and



the petitioner is in custody since 18.09.2021, 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 Additional Chief Judicial Magistrate-II, Samastipur in connection with Samastipur Muffasil P.S. Case No. 381 of 2018, subject to the following conditions :

- (i) One of the bailors will be a 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 for 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

