

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.765 of 2022

Arising Out of PS. Case No.-314 Year-2021 Thana- MUFFASIL District- West Champaran

Premchandra Srivastava S/O Late Nagnarayan Prasad R/O Village And P.O.-
Mahanaganni, P.S.- Bettiah Muffasil, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Adv.
For the Opposite Party/s	:	Mr.Raj Kishore Singh, APP
For the UOI	:	Mr. Shyam Bihari Singh,CGC

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 25-08-2022 Heard learned counsel for the parties.

Learned counsel for the Union of Indian has filed the counter affidavit today in the Court. Let it be kept on record.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 409/420 of the Indian Penal Code.

Prosecution case as lodged by the informant is that the petitioner was working on the post of Gramin Dak Sewak at Mahanaganni Branch of Post Office. On account of financial irregularities, the petitioner was suspended on 31.12.2020.



However, the charge and money to the tune of Rs.4,38,236/- has not been refunded by the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned counsel for the Union of Indian, by way of counter affidavit, submits that the petitioner has committed a serious offence as he has not handed over the charge of branch post office till date. Subsequently, on 20.04.2020 and 29.07.2022 he credited Rs. 2,40,236/- but misappropriated amount of Rs. 1,98,000/- is still lying with the petitioner.

However, petitioner is ready to return Rs. 1,98,000/- within two months in installments. He undertakes to deposit first installment i.e. Rs. 1,00,000/- at the time of furnishing his bail bonds. He further undertakes to deposit rest amount of Rs. 98,000/- within a period of two months.

Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on provisional bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with



two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran in connection with Bettiah Mufassil P.S. Case No. 314 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

On payment of entire amount, the provisional bail of the petitioner will be confirmed by the learned court below.

(Anjani Kumar Sharan, J)

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