

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13195 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- JAGDISHPUR District- Bhojpur

BIRENDRA KUMAR SRIVASTAV Son of Late Ram Sunder Lal Resident of
Village - Haradiya, P.S. - Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

10 27-06-2023 Learned counsel for the petitioner submits that the defects as pointed out by the office shall be removed in course of the day.

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 420 and 409/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and was Manager of Haradiyan PACS. It is further submitted that petitioner was appointed as Manager of the PACS in the year 2011 and he sought his voluntarily retirement in July, 2020. It is next submitted that at the time seeking voluntarily retirement no aspersion was cast on his service career. It is also submitted that



petitioner had a blemishless service record. It is further submitted that after the petitioner sought voluntarily retirement thereafter an audit was conducted in the year 2021 in pursuance whereof it was found that petitioner has defalcated an amount of Rs.34,72,541.78/- of the PACS, accordingly, the present FIR came to be instituted.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case. It is further submitted that during his entire career no aspersion was cast on his conduct and character. It is next submitted that petitioner is not aware that on what basis the audit indicts him of siphoning of Rs.34,72,541.78/-. It is also submitted that had an opportunity been given to the petitioner before instituting the present FIR perhaps the FIR would have not been instituted as the petitioner would have been in a position to clarify the issue. It is further submitted that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the investigating officer of the case for eliciting the truth.

Mr. Chandra Bhushan Prasad, learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jagdishpur P.S. Case No. 322 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event if the investigating officer files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called for in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

Let a copy of this order be sent to the concerned police station through the learned trial court.

(Satyavrat Verma, J)

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