

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25348 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- C.B.I CASE District- Patna

Kumari Poonam Wife Of Ajay Kumar R/O - Belwarganj, P.S.- Alamganj,
District- Patna

... .. Petitioner/s

Versus

The State Of Bihar through Central Bureau Of Investigation, Patna Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27907 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- C.B.I CASE District- Patna

Danjel Marcus Jacob S/o Marcus Jacob Resident of Grain Shop, Para Near
Santoshi Mandir, Katihar, Bihar at OPresent E/203, Mansaram Park, Uttam
Nagar, Delhi for his treatment, New Delhi.

... .. Petitioner/s

Versus

Central Bureau of Investigation through its Superintendent of Police. Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 25348 of 2022)

For the Petitioner/s : Mrs. Soni Srivastava, Advocate
Mr.Ravi Bhardwaj, Advocate

For the Opposite Party/s : Mr.Avanish Kumar Singh, Spl. PP (CBI)

(In CRIMINAL MISCELLANEOUS No. 27907 of 2022)

For the Petitioner/s : Mr.Rakesh Mohan Singh, Advocate

For the Opposite Party/s : Mr. Avaniash Kumar Singh, Spl. PP (CBI)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 01-02-2023

Criminal Miscellaneous No.25348 Of 2022

Kumari Poonam

Vs.

**The State Of Bihar Through Central Bureau Of
Investigation, Patna Bihar**

Heard the parties.

The petitioners apprehend her arrest in connection
with Special Case No. 3 of 2021 arising out of RC Case No.
02(A) of 2021 for the offence registered under Sections 120B,
409, 420, 467, 468, 471 and 477A of the Indian Penal Code and



Section Section 13(1) (a) read with 13(2) of the Prevention of Corruption Act.

As per the prosecution story, the allegation is of misappropriation of money by the accused persons between the period 2017-2019 while posted at Lal Bahadur Shastri Nagar Post Office, Patna.

So far as this petitioner Kumari Poonam (Cr. Misc. No. 25348 of 2022) is concerned, she joined the post on 01.05.2019 and continued there up-to 27.11.2020 and allegation is that during that period Rs. 5,64,907 was misappropriated.

By way of supplementary affidavit, it has been brought on record that without accepting the allegation, the lady has deposited Rs. 5,64,907/- (paragraph-3 of the supplementary affidavit) in the aforesaid account. The further submission is that she had all along diligently cooperated in the investigation and will make herself available as and when required.

Learned Counsel for the CBI submits that the lady during the aforesaid period, she was posted, the allegation of misappropriation has been made against her and as such, she does not deserve relief.

Considering the fact that the lady was posted in Lal Bahadur Shastri Nagar Post Office, Patna for a brief period, she



do not have criminal antecedent, the alleged misappropriated amount has since been deposited and ultimately she will have to face the music, this Court is inclined to extend her the privilege of anticipatory bail.

In the aforesaid circumstances the petitioner, Kumari Poonam in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI-II, Patna in connection with Special Case No. 3 of 2021 arising out of RC Case No. 02(A) of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

Criminal Miscellaneous No. 27907 Of 2022

Danjel Marcus Jacob

Vs.

**Central Bureau of Investigation through its
Superintendent of Police. Bihar**

In this case, the allegation against the petitioner is that during the period of his posting as Sub Post Master between 23.07.2017 to 31.10.2018 at Lal Bahadur Shastri Nagar Post Office, Patna, he misappropriated a sum of Rs. 1,31,74, 732/-

Learned counsel for the petitioner submits that he took VRS on 31.10.2018, is having serious medical problem, do not have any criminal antecedent and in view of the Supreme



Court Judgment reported in **2021(10) SCC 733** in the case of **Satender Kumar Antil vs Central Bureau Of Investigation**, when he has all along cooperated in the investigation, he deserves bail.

Learned counsel for the CBI opposes the prayer for bail and submits that allegation against him is of misappropriation of the huge amount and sensing trouble, took VRS and on the ground of medical ailment is seeking relief which may not be granted.

Considering the kind of allegation that has come against the petitioner herein having allegedly misappropriate huge amount till the period, he took VRS certainly this is not a fit case for grant of anticipatory bail to him and the same is accordingly rejected.

If however, the petitioner surrenders within a period of four weeks from today, the learned Court shall take into account the observation of the Apex Court in 2021(10) SCC 733 (supra) and will pass an appropriate order expeditiously.

(Rajiv Roy, J)

Jagdish/Neha/-

U		T	
---	--	---	--

