

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41600 of 2023

Arising Out of PS. Case No.-787 Year-2022 Thana- MADHEPURA District- Madhepura

Akshayabar Ram son of Late Ram Kisun Ram Mohalla- Indra Naryan Colony
Rd No-1, Near Pardih Chowk, Po- pardih Ps- Azadnagar Dist- East
Singhbhum Jharkhand Asst. Engineer Madhepura Ps Dist- Madhepura P/R-
Kalyanpur Ps- Durgawati Dist- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection
with Madhepura P.S. Case No. 787 of 2022 registered for the
offences punishable under Sections 420, 409, 467 and 468 of the
Indian Penal Code.
3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that an amount of Rs. 57,27,553/- is recoverable from
the petitioner with regard to work done in Madhepura Vidhan
Sabha Chhetra for the financial year 2014-15 as the
measurement book showed the work to be completed but on
physical verification the work was found not completed, further



the petitioner on several occasions was reminded to return the amount, but the same was not returned.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the FIR came to be instituted on 18.08.2022 when the allegation pertains to the period 2014-15, it is further submitted that the present FIR has been instituted only with a view to coerce the petitioner into submission as the authorities are aware that in terms of Bihar Pension Rules, they cannot proceed against the petitioner under Rule 43(B) as the occurrence is of 2014-15 and thus goes beyond the bar of four years period which is mandated under Rule 43(B). Learned counsel submits that petitioner had come to this Court for seeking his retiral benefits as he was not getting the same despite petitioner having been retired in the year 2015, it is also submitted that this Court had directed the authorities to pay ninety percent of the pension of the petitioner.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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. 5,000/- (Rupees Five 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 Madhepura P.S. Case No. 787 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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