IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53008 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- SAHAJITPUR District- Saran

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BINAY KUMAR @ VINAY KUMAR SON OF PRABHU NATH CHOUDHARY R/O VILLAGE- TARAWA POJHIYA, P.S.- KOPA, DISTRICT- SARAN

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. advocate Mr. Anant Kumar Bhaskar
For the State	:	Mr. Akhileshwar Daya
For the Union of India	:	Mr. ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

8 07-04-2023 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 420, 406, 409/ 34 of the Indian Penal Code.

As per the prosecution case, while the petitioner was posted on the post of Postal Assistant, Sahajitpur post office during the period 21.04.2015 to 02.09.2018 he by going in back dates in different Saving Accounts of the customers deposited Rs. 21,77,697/- and without mentioning these deposits in the records of post office the aforesaid amount was withdrawn by the petitioner and thus, amount of Rs. 21,77,697/- was embezzled by the petitioner and other accused persons.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is submitted that petitioner was SPM, Sahajitpur S.O. during 21.04.2015 to 02.09.2018 but in that period no amount was deposited in suspected accounts and only interest was calculated and added. So far withdrawal of amount is concerned role of petitioner is very limited as for withdrawal of amount in post office SB7 form is filled and the same is presented before P.A. As per postal regulation SPM tally the signature of the consumer from specimen signature book and once he is satisfied about the genuineness of signature and availability of amount in account he returns the SB7 form to the PA who actually makes payment to the customer and in this view of the matter role of the petitioner is very limited. It is further submitted that no complaint regarding forgery has been lodged by any customer and petitioner has been made accused in this case only on suspicion. Petitioner has got clean antecedent.

Learned counsel appearing for the Union of India opposes the prayer for anticipatory bail. It is submitted that during the work of migration of Sahahitur sub post office to core banking solution it came to light that some irregular transactions were made in S.B. accounts and a three member committee was constituted which reported that in 36 SB accounts there were suspected transactions worth Rs. 21,77,697/-. In view of gravity of the case a five member committee was constituted which reported that this petitioner while working as Sub Postmaster, Sahajitpur, Sub post office during the period 21.04.2015 to 02.09.2018 misappropriated huge amount of public money by inflating the balance of the accounts in data entry module and further withdrew the amount fraudulently through SB-7 (withdrawal form) on different dates in connivance with other accused persons.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

BKS/-

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