

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56439 of 2023

Arising Out of PS. Case No.-577 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

AVINASH KUMAR @ KUMAR AVINASH Son of Subhash Singh @ Sri Subesh Sinha Resident of village and Post - Gopalbagh, P.S. - Sharmera, Distt. - Nalanda, retired Junior Engineer, Public Health Division, Supaul, Presently residing at C/o Amarnath Kumar, ward no. 2, Mohalla - Narayanpur, Hanuman Nagar, P.S. - Barbigha, Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-11-2023 Heard Mr. Pramod Kumar, learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Laheriasarai P.S. Case No. 577 of 2022, registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

3. Allegation against the petitioner is that *vide* Memo No. 1455 dated 14.07.2014 issued by the Public Health Department, Darbhanga, the service book of the petitioner was requisitioned by the Department which was subsequently received by the petitioner but did not return the same to the



Department despite request made in that regard.

4. It is submitted on behalf of the petitioner that the petitioner is neither custodian of the service book nor he received the service book as alleged in the FIR. He further submitted that despite the petitioner having retired in the year 2019, has not been allowed the retiral benefits, he approached before the Hon'ble Court in CWJC No. 21173 of 2021 whereby direction was given to the Principal Secretary of the Department to ensure payment of all the outstanding retiral dues within a period of four weeks and thereupon to file counter affidavit, personally sworn by him, which order infuriated the authority concerned, leading to institution of the present case. He next submitted that in his entire career, the petitioner has never been put to any departmental proceeding and after more than three years of his retirement, the present FIR has been instituted which shows the *mala fide* attitude of the authorities of the Department, moreover, the petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither the custodian of the service book nor there is any



document/letter suggesting the fact that the petitioner has received his service book, that apart the petitioner has already superannuated way back in the year 2019 itself, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 577 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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