

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57213 of 2024

Arising Out of PS. Case No.-232 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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1. Sanjay Kumar Sinha Son of Sri Baidnath Prasad Sinha R/O Vill.- Raghunathpur, Lala Tola, P.s.- East Champaran, Motihari, At Present Working as a clerk in Health Superintending Office, Motihari, East Champaran.
 2. Rajeev Kumar Son of Binod Shankar Prasad R/O Vill.- Ward no. 31, Near At Dr. C.L. Jha at Agarwa, P.s.- Motihari Town, Dist.- East Champaran Motihari. At Present working as a Clerk in the Civil Surgeon Officer, Motihari.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Srivastava
For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-09-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 409, 420,
467, 468 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the
petitioners are persons with clean antecedent and the informant
alleges that in purchase of medicine for the financial year, 2014-
15, financial irregularity was committed in breach of
departmental guidelines, the suppliers of the medicine withdrew



an amount of Rs. 4,50,70,354/- from the treasury, through fully vouched bill, but when store was inspected, medicine worth Rs. 85,07,920/- was passed, further, a committee was constituted to identify the accused persons involved in the occurrence and the committee, after inquiry, recommended to initiate action against Dr. Meera Verma, Dr. U.S. Pathak, Bhubaneswar Prasad Srivastava, Manoj Kumar and Amit Kumar.

4. The learned counsel for the petitioner submits that petitioners were not named in the FIR. It is next submitted that the FIR was instituted after a committee was constituted for identifying the accused, and the committee, after threadbare inquiry, came to a conclusion that five persons were involved in the occurrence, but during the course of investigation, the name of the petitioners transpired. It is also submitted that since petitioners are Clerk in the office of Civil Surgeon and in the office of Superintendent, Sardar Hospital, Motihari, respectively, as such, based on suspicion, they came to be implicated. It is next submitted that the accused named in the FIR have been granted the privilege of anticipatory bail by an order dated 9-11-2017 in Cr. Misc. No. 42023 of 2017 (Annexure-2) and order dated 22-11-2017 in Cr. Misc No. 54314 of 2017 (Annexure-3). It is also submitted that petitioners



will cooperate in the investigation and trial.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Motihari Town P.S. Case No. 232 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the learned trial court at any stage of the trial comes to a conclusion that petitioners are trying to delay the trial in any manner, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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