

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67067 of 2024

Arising Out of PS. Case No.-234 Year-2023 Thana- JHANJHARPUR District- Madhubani

Shiv Nandan Mochi @ Shiv Nandan Ram Son of Late Ganga Mochi Village-
Chanda Toli Ps- Sakari Dist- madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-10-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Jhanjharpur Police Station Case No. 234 of 2023, dated 07.12.2023, disclosing offences under Sections 419/420/467/468 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report lodged by CDPO, Jhanjharpur, is that the petitioner has done interpolation in his date of birth and in place of actual date of birth i.e. 01.09.1951, the date of birth has been tempered as 01.09.1959 and on that basis he retired on 31.08.2019 instead of 31.08.2011. The petitioner has unauthorisedly worked for 07 years and received salary for the same period.



4. Learned counsel for the petitioner submits that the petitioner is not the custodian of the service book and it was not possible for him to make any interpolation in the same. However, departmental proceeding was initiated against the petitioner under Rule 43 (b) of the Bihar Pension Rules, in which, the disciplinary authority has passed the order for recovery of 20% pension of the petitioner. He next submits that certificate case has already been lodged against the petitioner for recovery of the remaining amount and gratuity of the petitioner has also been withheld by the respondent-authorities.
5. On the other hand, learned Additional Public Prosecutor appearing for the State opposed the prayer for bail and submits that the petitioner has fraudulently made interpolation in the date of birth and by virtue of that he continued to work till 31.08.2019, instead of his actual date of retirement i.e. 31.08.2011 and has received a huge amount as salary. He further submits that during course of the departmental proceeding, the petitioner has accepted his guilt before the inquiry officer and the petitioner has not stated anywhere in the application that 20% of the pension is being deducted.



6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the allegation against the petitioner is based upon documents, for which, custodial interrogation of the petitioner may not be necessary and there is no apprehension that the petitioner will temper with the evidence an/or will abscond, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpu, in connection with Jhanjharpur Police Station Case No. 234 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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