

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72367 of 2023

Arising Out of PS. Case No.-302 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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Nagendra Kumar Sinha Son Of Late Sidheshwar Prasad Sinha Resident Of
Village - Daranagar, P.S. - Nauhatta, District - Rohtas, At Present Residing At
Ram Ras Nagar, P.S. - Aurangabad Town, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Srivastava, Adv.
Mr. Anjani Kumar Jha, Adv.
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 13-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Aurangabad Town P.S. Case No. 302 of 2018 instituted for the
offences under Sections 420, 409 and 120B of the Indian Penal
Code.

3. As per prosecution case, the petitioner was working
as an agent in Main Post Office, Aurangabad and he got
invested money under the scheme of National Saving
Certificate, Kisan Vikas Patra and Term Deposit from the
Informant and another several people in the aforesaid post
office. It has further been alleged that he has misappropriated



Rs. 42,00,000/- invested by the people in the aforesaid scheme with the help of another co-accused who are staffs of the aforesaid Post Office.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. She further submits that the petitioner has neither cheated any person nor has misappropriate any amount of the investor and thus, the allegation made against the petitioner is false and fabricated. The petitioner was working as an agent who helps the depositors in depositing the amount in different schemes of Post Office and it is the duty of the staff and officers of the post office to issue deposit slip and passbook and enter the same in the computer system. The role of the petitioner is very limited to bring the customer and bring the documents of customer which is being checked by Counter Assistant and, thereafter the amount is being taken by the Counter Assistant and form is sent to the Assistant Postmaster who sent the form back to the Counter Assistant after verification and thereafter the Counter Assistant print the passbook which was provided to the deposit. It is also pertinent to mention here that the passbook contain signature of Postal Assistant and Assistant Postmaster and their



name is also provided. Charge-sheet has been submitted in this case. The petitioner has two criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 06.06.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the statement of the Informant and several witnesses have been recorded in which all of them have stated that the petitioner induced them to invest money under the scheme and on his inducement, they invested money in different schemes of the post office and submitted that the petitioner and the another staffs of the aforesaid post office have misappropriated the money as invested by the investors.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner being only an agent and having no direct allegation, let the petitioner, abovenamed, be released on bail after framing of charge, if not already framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Aurangabad Town P.S. Case No. 302



of 2018, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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