

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74959 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- BAJPATTI District- Sitamarhi

Saroj Baitha @ Saroj Kumar S/o- Bindeshwar Safi resident of Village- Parsauni Ward No. 1, P.S.-Bisfi, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 75023 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- BAJPATTI District- Sitamarhi

Yashwant Kumar Thakur @ Jaiwant Kumar Thakur @ Yashwant S/o- Gauri Shankar Thakur resident of Village- Sirhulli Kothai Ps- Kamtaul Dist- Dharbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 74959 of 2024)
For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP
Mr. Santosh Kumar, Advocate
Ms. Shalini, Advocate
Ms. Sapna Rani, Advocate
(In CRIMINAL MISCELLANEOUS No. 75023 of 2024)
For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP
Mr. Santosh Kumar, Advocate
Ms. Shalini, Advocate
Ms. Sapna Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 213-11-2024
1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Bajpatti P.S. Case no. 132 of 2024, registered under



sections 406, 409, 420 and 120B of the Indian Penal Code.

3. As per the prosecution case, the informant states that inspite of the informant having given amount to the Postmaster of Bajpatti Police Station namely Gopal Jha, it subsequently transpired that the same had not been deposited in the Recurring Deposit account of the informant. Large sum had been defalcated by the accused persons including the petitioners herein and as such the FIR.

4. Learned counsel for the petitioner in Cr. Misc. no.74959 of 2024 submits that the petitioner has been falsely implicated in the case for the reason that at the relevant time he was posted as Sub-Postmaster in the said post office. However from the contents of the FIR, it would transpire that the specific allegation is against co-accused Gopal Jha, though general allegations have been levelled against all including this petitioner. The petitioner has no criminal antecedent and undertakes to cooperate in the trial.

5. Learned counsel for the petitioner in Cr. Misc. no. 75023 of 2024 submits that the petitioner has been falsely implicated in the case for the reason that he is an Assistant Clerk in the said post office. However, it would be relevant to point out that the petitioner was not posted in the said post office at



the relevant time when defalcation of the amount is alleged by the informant. The petitioner has no criminal antecedent.

6. The applications for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that amounts had been given by the informant to Gopal Jha for deposit in the recurring deposit of the informant in the said post office. It subsequently transpired that large sum of the informant had been defalcated by all the accused persons deposited in the post office which included the two petitioners herein. It is not a case for grant of anticipatory bail.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R., the specific allegation in the FIR being that the amount had been given to co-accused Postmaster Gopal Jha, the allegation against these petitioners being general and omnibus in nature and the petitioners not having any criminal antecedent, it is directed that both the petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Bajpatti P.S. Case no. 132 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sitamarhi in Cr. Misc. no.74959 of 2024 and to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi in Cr. Misc. no.75023 of 2024.

(Partha Sarthy, J)

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