

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2014 of 2024

Arising Out of PS. Case No.-593 Year-2018 Thana- CHAPRA TOWN District- Saran

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Birendra Kumar, S/o Dhaneshwar Mahto, R/o Village- Bharpura, PS.
Sonepur, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Chapra Town P.S. Case no. 593 of 2018 registered under sections 420, 467, 468, 471 and 406 of the Indian Penal Code.

3. As per the prosecution case, it is stated that an amount of Rs.13,40,265.60 and another amount of Rs. 39,18,934.40 relating to compensation against the land acquisition was transferred to the account of the petitioner on his submitting the land ownership certificate, rent receipt and other documents with respect to the acquired land. On inquiry it transpired that the documents were forged and fabricated. The



petitioner was informed that he should return the amount which he did not.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He was an employee of one Rishikesh Pandey and as a result of conspiracy by him he has been made a scapegoat in the case. Referring to the representation brought on record as Annexure-2 to the petition addressed to the District Magistrate, Saran, Chapra it is submitted that all the details with respect to the conspiracy etc was sent to the District Magistrate in the year 2017 itself ie almost a year before institution of the FIR in October, 2018. The petitioner is a poor employee having no source of income to meet the demands as mentioned in the FIR. He is in custody since 12.7.2023 and has no criminal antecedent. Charge-sheet has been submitted in the case.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR of two amounts of Rs.13,40,265.60 and 39,18,934.40 having been transferred to the petitioner's account, there being no denial on this aspect and in the instant case instituted on 1.10.2018 the



petitioner having absconded for a period of almost 5 years till he was taken into custody on 12.7.2023, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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