

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4382 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- BIKRAMGANJ District- Rohtas

Om Prakash Kumar, age-46 years, Male, Son of Late Vishwanath Singh,
Resident Of Village- Kurmuri, P.S.- Sikarhatta, Dist- Bhojpur, Ara.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dharmendra Singh, Advocate
For the Opposite Party : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

11 13-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bikramganj P.S. Case No. 184 of 2023 dated 05.04.2023
registered for the offences punishable under Sections 467, 468,
471, 409, 420 and 120B of the I.P.C.

3. As per the prosecution case, the petitioner being the
then Clerk-cum-Nazir, Sub Divisional Office, Bikramganj,
embezzled/defalcated Rs. 1,83,84,248.17 of the government
money after preparing fake bank details, fake copy of chalans,
wrong entries in the books of account concealing real facts.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
the present case. It is submitted that due to earlier dispute with



the informant, he has lodged the present false case against the petitioner. It is further submitted that during the course of investigation, neither any material has come against the petitioner to support the prosecution case nor any incriminating article has been recovered from the possession of the petitioner. There is no eye witness to the alleged offence but the case has been lodged on the basis of circumstantial evidence. Earlier no any complaint has been made by any of the persons at the time of posting of the petitioner. Learned counsel for the petitioner has filed a supplementary affidavit on behalf of the petitioner stating therein that after making allegation of embezzlement and misappropriation of the public money, a two men committee for its inquiry was constituted on 03.12.2021 by the District Magistrate, Rohtas and after inquiry, the said inquiry committee gave a report to the District Magistrate, Rohtas on 12.01.2022. It is also specifically mentioned in the said joint inquiry report that after 22.09.2021, there were differences of total amount of Rs. 1,95,94,060.13 and out of which, after calculation, Rs. 1,51,51,263.90 was given by the petitioner and the rest differences of total amount of Rs. 44,42,796.23 was pending with the petitioner for which his salary was stopped till further orders and a departmental proceeding against the petitioner has



already been initiated, annexed as Annexure-P/2 to the supplementary affidavit filed on behalf of the petitioner. The petitioner has two criminal antecedents as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 24.07.2023.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner and submitted that the petitioner has defalcated Rs. 1,83,84,248.17 of the government money by preparing fake bank details, fake copy of challan, wrong entries in the books of account concealing the real facts.

6. Considering the aforesaid facts and circumstances of the case as well as the seriousness of allegation against this petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Bikramganj P.S. Case No. 184 of 2023, pending in the court of learned A.C.J.M., Bikramganj, Rohtas at Sasaram and /or other transferee court.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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