

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26367 of 2025

Arising Out of PS. Case No.-2 Year-2019 Thana- KUMAR KHAND District- Madhepura

Kishor Jha @ Kishor Kumar Jha S/o- Ramakant Jha Village- Bagulaha PS-
Raniganj Dist- Araria, P/A- Gurudwara Colony Ps- Chas Dist- Bokaro

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 27-06-2025 Heard learned counsel for the petitioner and learned
APP for the State

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 120B, 419, 420, 467,
468, 406, 504/34 of the Indian Penal Code.

3. The prosecution story is based upon a complaint
dated 19.07.2018 alleging therein that the accused Kishore Jha
(petitioner) convinced the informant that he had to deposit NSCs
as a security for getting construction tender, whereupon, the
informant handed over total 37 NSCs in his name of about Rs.
1,53,000/- to the cashier namely, Miraz Ahmed of Rural Works
Department and clearly instructed them that these NSCs are



only to be received by the informant himself. Later on, the informant got to know that on 15.02.2016, the said NSCs were received by Kishore Jha with the help of the office staff of RWD and in collusion with the staff of the post office the amount under these NSCs was encashed and hence embezzled. It is further stated that as per rule, if there is any payment of an amount exceeding to Rs. 20,000/- in relation to NSCs, the money can only be paid to the person named in the NSCs on proper identification by cheque and hence the allegation is that the two Sub Post Masters in connivance with the petitioner made the payment to him.

4. Learned counsel for the petitioner submits that it would be apparent from a reading of the First Information Report itself which is based on a complaint which was sent for institution of an FIR under Section 156 (3) of the Cr.P.C., that the date of occurrence is 15.02.2016 whereas the present complaint came to be lodged more than two years thereafter on 19.07.2018. It has further been submitted that as a matter of fact the petitioner has never encashed or embezzled the NSC of the informant and it would appear from the re-statement of the informant recorded during the course of investigation that for obtaining a contract, the informant/complainant had deposited an



amount of Rs. 1,53,000/- as security in the form of NSC in the year 2009-10. On such facts, it has been argued that in case the complainant/informant had already got to know about the withdrawal of the amount under the NSC at the time of occurrence itself why the present complaint was lodged after such a substantial lapse of time and the complainant has not been able to offer any explanation for the same. It has further been pointed out that during the course of investigation the case has not been found true against Md. Miraz Ahmad the cashier. Further, it has also been argued that two of the Sub Postmasters against whom there is an allegation that they in collusion had released the amount of the NSCs without proper verification have also been granted privilege of anticipatory bail vide Annexure-P/2 which is order dated 23.01.2020 passed in Cr. Misc. No. 87143 of 2019 and vide order dated 11.04.2025 passed in Cr. Misc. No. 77087 of 2024.

5. Learned APP for the State, however, opposes the grant of anticipatory bail stating that the petitioner has substantial role and further process under Section 82 of the Cr.P.C. has also been issued against him. In response to the same, it has been submitted and has also been stated in paragraph-16 of his petition that the petitioner was residing at



Bokaro and he had no knowledge whatsoever about the present case and no kind of process had ever been executed against permanent address mentioned in the complaint. Further, reference has been made to judicial pronouncement of Asha Devi Vs. State of MP passed in Cr. Appeal No. 4564 of 2024, S.L.P Cr. No. 13123 of 2024 dated 12.11.2024 in paragraph-8 of the said order that there is no complete or absolute embargo for seeking the benefit of anticipatory bail in case of issuance of process under Section 82 of the Cr.P.C. and other attending factors also have to be taken into consideration.

6. Considering all the above mentioned facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kumarkhand P.S. Case No. 02 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further condition that the petitioner would cooperate in the process of investigation and trial and if at any stage it appears



that the investigation or the trial is delayed on account of non-cooperation of the petitioner, the learned court concerned would be at liberty to cancel the bail bond of the petitioner.

(Soni Shrivastava, J)

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