

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76791 of 2024

Arising Out of PS. Case No.-20 Year-2022 Thana- C.B.I CASE District- Patna

Amar Singh Son of Shri Ramchandra Singh R/O Vill.- Rajaura Tola, Purbari,
P.S.- Mufassil, Dist.- Begusarai.

... .. Petitioner.

Versus

The Central Bureau of Investigation, ACP Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Pandey, Sr. C.G.C.
Mr. Lokesh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 10-07-2025 Heard Mr. Sanjeev Ranjan, learned counsel for the
petitioner and Mr. Awadhesh Kumar Pandey, learned Sr. C.G.C.
for the C.B.I.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 120 B, 409, 420, 467,
468, 471 and 477A of the Indian Penal Code and Section 13 (1)
(a) and 13 (2) of the Prevention of Corruption Act.

3. The case of the prosecution is that during the period
2020-2022, Mr. Subodh Kumar Singh, the Postmaster of
Begusarai, in connivance with other officials of the Post Office
and some unknown persons have misappropriated the
government money to the tune of Rs.2,13,98,512/- under
Begusarai Division by issuing cheque in the name of fake and



fictitious persons and thereafter the money was encashed causing heavy loss to the government exchequer.

4. It is submitted by learned counsel for the petitioner that the petitioner was posted as a Postal Assistant in the Head Post Office, Begusarai and he had nothing to do with the dealing of the cheque. It is, actually, the Postmaster, Subodh Kumar Singh, who was the custodian of the cheque and authorized to issue cheque from his system and sign the same for the purpose of its encashment. Further, the plea taken by the said Subodh Kumar Singh of sharing the password with the petitioner is strongly denied. It is further submitted that, in any view of the matter, the chargesheet has already been submitted and specific averment has been made in para-17 and 18 of the petition that the petitioner has cooperated during the course of investigation and there is no flight risk. It is further submitted that the entire allegations of sending the requisition, generation of the cheque, filling of the amount and signing of the cheque remains confined to Subodh Kumar Singh while the allegation against the petitioner remains confined to the fact that the said Subodh Kumar Singh had shared the password with him which was misused. Learned counsel for the petitioner has relied upon the judgments passed in the case of **Satyendra Kumar Antil Vs. Central Bureau of Investigation & Ors.** reported in (2022) 10 SCC 51, **Amanpreet Singh Vs. Central Bureau of**



Investigation & Ors. reported in **(2022) 13 SCC 764** and **Mahdoom Bava Vs. Central Bureau of Investigation & Ors.** reported in **2023 SCC online SC 299** to urge that an accused should not be sent to custody in a routine manner when he was not arrested throughout probe by investigating agency and rather cooperated in the investigation. Further, the case is entirely based on documents and the petitioner undertakes not to abscond and to cooperate in the trial. Learned counsel for the petitioner placed reliance to para-9 of the judgment in the case of **Mahdoom Bava (supra)**, which is reproduced herein-below:

“9. On the strength of the aforesaid allegations, which are certainly serious in nature, the prayer of the appellants for anticipatory bail is opposed vehemently by the learned Additional Solicitor General. But in our considered view there are at least three factors which tilt the balance in favour of the appellants herein. They are:-

(i) Admittedly, the CBI did not require the custodial interrogation of the appellants during the period of investigation from 29.06.2019 (date of filing of FIR) till 31.12.2021 (date of filing of the final report). Therefore, it is difficult to accept the contention that at this stage the custody of the appellants may be required;

(ii) In the reply/counter filed before the High Court, the CBI had taken a categorical stand that the Court had merely issued summons and not warrant for the appearance of the accused. In the case of Shri Deepak Gupta, CBI had taken a stand before the Special Court that “the presence of the accused is not required for the investigation but it is certainly required for trial” and that therefore he needs to be present. Therefore, all that the CBI wanted was the presence of the accused before the Trial Court to face trial. In such circumstances, to oppose the anticipatory bail request at this stage



may not be proper; and
(iii) All transactions out of which the complaint had arisen, seem to have taken place during the period 2009-2010 to 2012-2013 and all are borne out by records. When the primary focus is on documentary evidence, we fail to understand as to why the appellants should now be arrested.”

5. Learned counsel for the C.B.I. opposed the prayer for anticipatory bail on the ground that there has been misappropriation of huge government money.

6. Taking into consideration the facts and circumstances of the case and the judicial pronouncements of the Hon’ble Apex Court as aforesaid, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 Special Case No. 4 of 2023, arising out of R.C. Case No.20 (A) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to further condition that the petitioner would cooperate in the investigation/trial.

(Soni Shrivastava, J.)

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