

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77087 of 2024

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

Mahendra Rajak Son of Baidyanath Rajak Village -Balua Karahari, PS-
Lovkahi, Dist- Madhubani

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Arvind Kumar son of Krishnadev Yadav village- and Po- Phulkaha, Ps-
Jadia, dist- Supaul
- 3. Union of India Union of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rupesh Kumar, Adv
For the Opposite Party/s	:	Mr. Kahkashan Alam, Adv
		Mr. Shahd Aqubal, Adv
For the Union of India		Mr. Satyendra Kumar Jha, C.G.C
For the State		Mr. Ajit Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 11-04-2025 Heard learned counsel for the petitioner, learned
counsel for the Informant, learned counsel for Union of India
and the State.

2. Petitioner apprehends his arrest in connection with
Kumarkhand P.S Case No. 02 of 2019 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 the complaint
petition dated 19.07.2018 alleging therein that the accused
Kishore Jha convinced the informant that he had to deposit
NSCs as a security for getting construction tender, whereupon,



the informant handed over the 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 him that these NSCs are only to be received by the informant himself. Later on, the informant got to know that on the date of occurrence i.e., on 15.02.2016, the said NSCs were received by Kishore Jha with the help of the office staff of RWD and both of them in collusion with the staff of the post office encashed these NSCs and embezzled the amount. It is stated as per the rule, if there is payment of any 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, but the allegation is that the said payment was made in connivance with the two Sub Post Masters, one of them being the petitioner.

4. Learned counsel for the petitioner submits that the crux of the allegation made in the complaint petition which was subsequently sent under section 156 of the Cr.P.C for registration of the FIR, is upon accused No. 1 Kishore Jha, who had taken the NSCs from the informant and had also allured him to making the said investment. Learned counsel for the petitioner further submits that so far as the petitioner is concerned, his role transpired only in the last portion of the



complaint that the said payment was wrongfully made. It has been stated that the petitioner, in connivance with the other post master, made the said payment to accused no.1 for their personal gain. Learned counsel for the petitioner also submits that the allegation is primarily against the co-accused Kishore Jha and Miraz Ahmed, the cashier and not upon the petitioner and that the petitioner is nowhere involved in the said embezzlement of money.

5. The learned APP, learned counsel appearing for the Union of India and learned counsel for the Informant oppose the application by stating that this petitioner has substantial role being the post master and should not have made the said payment without proper verification.

6. Considering all the above mentioned facts and circumstances and considering that the main allegation is upon accused no.1 and 2 of the FIR and also taking into consideration that similarly situated co-accused Sunil Kumar, who is accused no. 4 has already been granted anticipatory bail vide order dated 23.01.2020 passed in Cr. Mis No.87143 of 2019, I am inclined to grant privilege of anticipatory bail to the petitioner, who is a government servant and is not likely to abscond. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today, the



petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in Kumarkhand P.S Case No.02 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C. and with further condition that within ten days of his release, he has to appear before the I.O and co-operate in the investigation, otherwise, prosecution is at liberty to move for cancellation of his bail bonds.

(Soni Shrivastava, J)

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