IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52765 of 2026

Arising Out of PS. Case No.-371 Year-2026 Thana- ARA NAWADA District- Bhojpur

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Lakshaman Kumar Prasad S/O Late Krishna Prasad Resident of Village-Chakki Laxman Dihra,(Dera) P.S.-Chakki, Distt- Buxar ... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

2 29-07-2026 Heard the learned counsel for the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Ara Nawada P.S. Case No. 371 of 2026, for allegedly having committed offence under Sections 316(5), 318(4), 336(3), 338 and 61(2) of the BNS.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that an enquiry report was submitted by the Dy.S.P.-cum-S.H.O., Cyber P.S., Bhojpur on 15.04.2026 in which he found discrepancies with regard to embezzlement of the Government fund/money by committing forgery in accounts branch of the Bhojpur at Ara. It has been alleged that from the chart, it appears that T.A. bill has been deposited to the tune of Rs. 36,722/-, however total Rs.26,49,224/- of Government

money has been embezzled by five police personnel, including the petitioner herein. In the account of the petitioner, who was deputed in the accounts branch of the Bhojpur from 2017 to 2025, Rs. 7,24,528/- was credited and similarly, in the account of other four persons, heavy amounts were credited. During enquiry, it transpired that the petitioner and others withdrawn money from the Government account illegally and on the basis of the said enquiry report, the present first information report has been lodged.

4. The learned counsel for the petitioner submits that the petitioner is a constable, who was deputed in the T.A. section for assisting in the day to day affairs of the Account Section and the Bill Clerk, who was the maker of the T.A. Bills and the Head Clerk, who was the checker of the T.A. bills were responsible for the day to day affairs and the supervision was to be done by the Dy.S.P.-Cum-Accounts In-charge, who was the approver of the T.A. bills. The petitioner was working under them and he was not assigned any specific duty. He further submits that after the petitioner came to know about the allegation against him, he has already deposited the entire amount to the tune of Rs. 7,24,528/- in two installments on 11.09.2025 and 06.10.2025, which were later on deposited in the

Government treasury. This fact would emerge from Annexure-P/2 to the present anticipatory bail petition. He further submits that for the same charge, a departmental proceeding has also been initiated against the petitioner by issuance of memo of charge. He further submits that since the petitioner was not aware about the credit of the said amount in his account illegally and as soon as he came to know about the same, he deposited the amount voluntarily in the account of the Government treasury. He further submits that the petitioner has got a clean antecedent.

5. Per contra, the learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner defalcated the Government amount in connivance with four other persons. Therefore, he does not deserve the privilege of anticipatory bail.

6. Having heard the rival submissions and after going through the records, it appears that allegation of defalcation of Rs. 7,24,528/- has been levelled against the petitioner and similar allegation against the four other accused persons have been levelled for defalcation of some amounts in their name. The petitioner later on deposited Rs. 4,88,439/- on 22.09.2025 and Rs. 2,37,749/- on 06.10.2025 and the same have

been deposited through challan in the Government treasury. Further, the petitioner is also facing departmental enquiry, wherein memo of charge has been issued against him. Considering the fact that the amounts, which has been alleged to be defalcated by the petitioner, has already been deposited by him, let the petitioner, above named, in the event of arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Ara in connection with Ara Nawada P.S. Case No. 371 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(i) The learned Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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