

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35116 of 2015

Arising Out of PS.Case No. -278 Year- 2014 Thana -SAMASTIPUR District- SAMASTIPUR

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Durga Nand Jha Son of Prabhash Chandra Jha, Resident of Village -
Mauahi, P.S. - Babubarhi, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amitabh Bhardwaj, Advocate.

For the Opposite Party : Mr. Dasrath Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 15-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for
the offence punishable under Section 409 of the Indian Penal Code.

Allegation against the petitioner is that he was posted as
Assistant Electrical Engineer, Electricity Supply Sub-Division,
Samastipur and he was transferred to the Central Store Chapra in the
month of July, 2014 and he did not hand over the charge of collection
of revenue, account books and revenue statement form-III and IIIA.

It is submitted that the petitioner is alleged to have
misappropriated a sum of Rs. 24,14,786/-. Audit was held and the
petitioner was found to have misappropriated Rs. 1,34, 521/- and Rs.
8801/-. The aggregate of which comes to Rs. 1,43,322/-. The demand
notice was issued and the petitioner has already deposited Rs. 8801/-. It
is further submitted that the petitioner has not misappropriated Rs.

1,34,521/- and the same is detected due to fault in rendition of accounts. The petitioner is ready to deposit the aforesaid amount subject to the result of the case.

Shri Vinay Kirti Singh, learned counsel appearing on behalf of North Bihar Power Holding Company has submitted that after the account being audited the petitioner was found to have misappropriated Rs. 1,34,521/- and there is no chance of fault in rendition of accounts if the petitioner deposits the amount which is defalcated the company has got no objection.

Considering the facts aforesaid and the fact that the petitioner is ready to deposit Rs. 1,34,521/- within four weeks from the date of this order, the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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, Samastipur in Samastipur (Town) P.S. Case No. 278 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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