

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9891 of 2016

Arising Out of PS.Case No. -205 Year- 2015 Thana -THAKURGANJ District- KISANGANJ

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Dilip Kumar Mahto @ Dilip Mahto, Son of Biswanath Mahto, Resident of
Thakurganj Bazar Pyajpatti Near Rituraj Hotel, P.S- Thakurganj, Distt.
Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Assistant Engineer, Electrical, Electric Supply Division, Thakurganj,
P.S.-Thakurganj, District-Kishanganj

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Diwakar Sinha, Advocate
For the State : Mr. P.K. Pandey (APP)
For Opposite Party No.2 : Mr. Vinay Kirti Singh, Sr. Advocate
Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 10-11-2016 Heard learned counsel for the petitioner and Mr.

Vinay Kirti Singh, learned Senior Counsel appearing on behalf

of the North Bihar Power Distribution Company Ltd.

The petitioner is apprehending his arrest in
connection with Thakurganj P.S. Case No.205 of 2015 for
allegedly having committed the offence under Sections 420 and
406 of the Indian Penal Code.

A counter affidavit has been filed by Opposite Party
No.2, in which it is alleged that the petitioner was a franchise
holder and after receiving money from the consumers, he failed
to deposit the same in the Bank or in the Power Distribution

Company Ltd. As such, the petitioner is not entitled to any interim relief.

Learned counsel for the petitioner, however, submits that the petitioner is willing to deposit the rest amount of Rs.25,700/- either in the office of the Assistant Electrical Engineer, Thakurganj, Kishanganj or in the account of the said Power Distribution Company and thereafter he may be extended the privilege of pre-arrest bail.

It is, thus, directed that if the petitioner deposits the aforesaid amount either in the office of the Assistant Electrical Engineer, Thakurganj, Kishanganj or in the account of the said Power Distribution Company and appears before the court below, then let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Thakurganj P.S. Case No.205 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the aforesaid deposit by the

petitioner shall be subject to final result of the criminal trial and if at all the petitioner is acquitted, the said amount shall be either returned to him or adjusted in future transactions with the petitioner.

(Anjana Mishra, J)

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