

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17482 of 2016

Arising Out of PS.Case No. -283 Year- 2015 Thana -KOTWALI District- PATNA

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1. Anil Kumar Singh Son of Late Satya Narayan Singh, Resident of village-
Danaganj, P.O.- Dhobiya Kalapur, Bihta, P.S.- Naubatpur, District- Patna
..... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar Electricity Board (South Bihar PDCL), Patna
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Kant Tiwary
For the Opposite Party/s : Mr. Manoj Kumar-I(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-06-2016 Heard learned counsel for the petitioner and learned counsel
appearing on behalf of South Bihar Power Distribution Company
Limited (hereinafter referred to as the 'Company') as well as
learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections 406/409
of the Indian Penal Code.

Learned counsel for the petitioner submits that whatever be
the nature of allegation against the petitioner, the position is that
the petitioner has already deposited the alleged defalcated amount.
The only amount which remains to be paid now is the interest
which has accrued on the alleged defalcated amount during the
intervening period.

Learned counsel appearing on behalf of the Company,



however, submits that there was a huge amount of defalcation by the petitioner for which he has been placed under suspension and the present criminal case has also been lodged against him. It is further submitted that after the filing of the case, the petitioner has deposited certain amount and as on date the entire amount has been returned save and except, the interest which had accrued thereto remains to be paid. It has also been submitted by learned counsel for the Company that earlier the petitioner had come to this Court but the said application for grant of anticipatory bail was permitted to be withdrawn and the petitioner was directed to surrender.

Learned counsel for the petitioner submits that as on date the petitioner has deposited the entire alleged defalcated amount. It is submitted that now the petitioner is being called upon to pay a sum of rupees sixteen lacs and odd towards the interest which has accrued on account of delay in depositing the aforementioned defalcated amounts.

Be that as it may and also in view of the fact that the Committee report now indicates that the bulk amount has been deposited and it is only the interest which remains due and also because on the earlier occasion the Committee's report was not brought on record by either of the parties, this Court feels that the petitioner being a Government servant and because he is facing

departmental proceeding, he may be extended the privilege of pre-arrest bail. As such, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged 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, Patna in connection with Kotwali P.S. Case No. 283/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is made clear that the petitioner shall at all material times co-operate in the investigation and the trial of the case and be present in the Court below after submission of chargesheet. It is also made clear that the petitioner shall co-operate in the departmental proceeding which is taking place against him so that there is no hindrance on his part in furtherance of the proceedings on different counts criminal as well as departmental. If, the petitioner does not do so, it shall be open to the opposite party No. 2 to move this Court and/or the Court below for modification of the present order including cancellation of the present order passed by this Court.

(Anjana Mishra, J)

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