

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20735 of 2016**

Arising Out of PS.Case No. -12 Year- 2015 Thana -DEODHA District- MADHUBANI

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Rajesh Kumar Mishra @ Rajesh Mishra, son of Late Sushil Mishra,  
Resident of village- Jonki, P.S. Basopatti, District- Madhubani.

.... .... Petitioner

Versus

1. The State of Bihar.
2. North Bihar Power Distribution Company Limited, Patna. through  
Assistant Electrical E.C.D. Jainagar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. J.N.Thakur(App)

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

2      23-05-2016                      Heard learned counsel for the petitioner and learned  
counsel for the Power Holding Corporation.

The petitioner seeks pre-arrest bail in connection with  
Deodha P.S. Case No. 12 of 2015 registered under Sections 419,  
420 and 406 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner  
that the entire allegation levelled against the petitioner is out and  
out false and he was merely allotted the work for about a year, but  
thereafter, the local officials started creating disturbance in his  
functioning. His remuneration is still lying due with the Power  
Holding Corporation. It is further contended that even during  
investigation, it has transpired that most of the money collected by

him has already been deposited and it is not known to him as to how the informant has alleged that Rs.1,74,854.00/-collected by him is lying due. It is also submitted that the dispute, if any, is of accounting and the ingredients of offences alleged are not attracted.

On the other hand, learned counsel for Power Holding Corporation has submitted that it is a clear case of criminal breach of trust by the petitioner who was authorised to collect money on behalf of the Power Holding Corporation and after collecting money he has defalcated the same.

Be that as it may, taking into consideration the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhubani in connection with Deodha P.S. Case No. 12 of 2015 subject to the condition as laid down under Section 438(2) Cr. P.C.

**(Ashwani Kumar Singh, J.)**

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