

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35011 of 2016

Arising Out of PS.Case No. -222 Year- 2013 Thana -RUNISAIDPUR District- SITAMARHI

Rajni Kant Sinha son of Late Chandra Shekhar Prasad, the then posted as Accountant-cum-Cashier in Electricity Supply Sub-Divisional Office, Runnisaidpur, P.S.- Runnisaidpur, District- Sitamarhi, resident of L/2 25 P.I.T. Colony, P.S.- Patrakarnagar, Kankarbagh, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manikant Goit, Assistant Electrical Engineer, Electric Supply Sub-Division, Runnisaidpur, District- Sitamarhi.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-09-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Runnisaidpur P.S. Case No. 222 of 2013 for the offences alleged under Sections 409 and 420 of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner was posted as Accountant cum-Cashier in Electricity Supply Sub-Divisional Office, Runnisaidpur till 5.6.2013 and he has not deposited Rs. 80,716/- the revenue collection money of the Department in its account. The said amount was written by the petitioner in the accounts register on 5.6.2013. It is further alleged



that the informant has given direction to the petitioner orally to deposit the said amount. The petitioner has told that some amount has been deposited by him, but he has not given any proof in this regard. The informant further alleged that petitioner has misappropriated the amount of Rs 80,716/- of the Electricity Department.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that he has retired on 30.06.2014 and has been subjected to departmental proceeding also. He submits that his post retiral benefit was not paid for which he has moved this court but in spite of positive direction, his gratuity has not been paid till date. He submits that he has clean antecedent except there is a case against him under Section 498A of the Indian Penal Code. He submits that he is ready to deposit the alleged misappropriated amount of Rs. 80,716/- within six weeks from today.

Learned counsel appearing on behalf of the Opposite Party no. 2 submits that Rs. 80,716/- is the misappropriated amount which arises out of calculation, hence opposes the prayer for bail.

Learned APP for the State submits that the petitioner is named in the FIR, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, above named on the undertaking to deposit Rs. 80716/- within six weeks in the event of his arrest/surrender before the learned court below within a period of eight weeks from today, be released 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, Sitamarhi in connection with Runnisaidpur P.S Case No. 222 of 2013 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is worthwhile to mention that if the petitioner does not deposit the aforesaid sum within six weeks from today and if the Opposite Party no. 2 brings it notice to the learned court below the said fact, the learned court below will be at liberty to cancel the bail bonds of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J)

Prakash/-

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