

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40370 of 2017

Arising Out of PS.Case No. -66 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

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Raju Kumar, son of Late Ramayan Ram, Resident of Village- Mahuawan,
P.S. Kuchaikot, District- Gopalganj.

.... Petitioner.

Versus

1. The Bihar State.
2. The Assistant Electric Engineer, Electric Supply Sub-Division,
Kishanganj.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr. Ram Binod Singh

For the Opposite Party/s : Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Kishanganj P.S. Case
No. 66 of 2016 instituted for the offence under Sections-406, 420, 120B
of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the
petitioner is a Junior Accounts Clerk in the said division. He is not
named in the FIR. There is specific allegation against Arvind Kumar
Upkar working as correspondence clerk in Electric Supply Sub
Division, Thakurganj of not depositing the amount of energy bills
collected by him and has also not returned 15 cash books provided to
him and he has misappropriated the amount of Rs. 16,16,713/- of public
money.

The counsel for petitioner submitted that petitioner wrote



letters to the Executive Engineers and Assistant Engineers after detecting financial irregularity done by the aforesaid Arvind Kumar Upkar. He reported the matter vide letter dated 17-10-2015 and on that basis, the Assistant Electrical Engineer directed the said Arvind Kumar Upkar to submit cash receipt and the amount collected by him but in spite of that letter, he did not submit the amount collected by him. The petitioner has submitted that he again wrote letter on 22-02-2016 to Assistant Electrical Engineer that money receipts have not been submitted by Arvind Kumar Upkar, upon which, the Assistant Electrical Engineer vide letter dated 22-02-2016, directed him to deposit the money receipt and the revenue collected by him.

In this manner, it appears that the petitioner was regularly making complaint to the department about the irregularity committed by Arvind Kumar Upkar .

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Kishanganj P.S. Case No. 66 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Kishanganj subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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