

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28496 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -BARAULI District- GOPALGANJ

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1. Bijay Kumar @ Bijay Kumar Singh Son of Mukurdhun Prasad Resident of Village-Barauli, Ward No. 8 (Bharkuiya), Police Station-Barauli, District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the State : Mr. Sri Jitendra Kumar Singh
For the NBPDCCL : Mr. Vijay Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 22-08-2017 Heard both sides.

The petitioner apprehends his arrest in Barauli P.S. case No. 52 of 2017 for the offences punishable under Section 406, 420, 404, 506 of the Indian Penal Code.

The petitioner has taken franchise for collection of money from the consumers. It is alleged that petitioner collected Rs. 9,17,000/- from the consumers but did not deposit the money in the account of company.

Sri Buxi S.R.P. Sinha, the learned senior counsel for the petitioner, submits that after institution of the case the petitioner deposited Rs. 1,40,369/- on 15.03.2017 and Rs.



1,27,139/- on 26.03.2017. The company issued a notice to the petitioner vide letter contained in memo no. 108 dated 06.03.2017 asking the petitioner to deposit Rs. 4,50,000/- but now the company has alleged that Rs. 9,17,000/- is lying due. The learned senior counsel for the petitioner submits that petitioner is ready to deposit the entire amount in installments. The petitioner is ready to deposit Rs. three lacs within a month from today and thereafter the company shall furnish the accounts showing the amount lying due against the petitioner. After rendition of accounts, the petitioner is ready to deposit the remaining amounts within three months thereafter.

The learned counsel for the North Bihar Power Distribution Company Ltd. opposed the prayer for anticipatory bail but submitted that the company is interested in getting the money back from the petitioner.

Taking into consideration that petitioner is ready to deposit the entire amount and he is ready to deposit Rs. three lacs within one month from the date of this order, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Gopalganj in connection with Barauli P.S. case No. 52 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioner fails to deposit Rs. three lacs within one month from today, the learned court below shall cancel the bail bonds of the petitioner forthwith. It is further ordered that if the petitioner fails to deposit the remaining amount, after rendition of accounts, within three months thereafter, the learned court below shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J)

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