

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4427 of 2018

Arising Out of PS.Case No. -90 Year- 2017 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

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Manoj Srivastava @ Manoj Kumar Shrivastava, S/o Sri Nand Kishore Prasad, R/o Village- Basant Bihar, Sariswa Road, P.S.- Bettiah Muffasil, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. North Bihar Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna-1.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.

For the Electricity Board : Mrs. Archana Sinha @ Archana Shahi,
Adv.

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 19-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Sathi P.S.**

Case No. 90 of 2017 instituted for the offence under Sections 406 and 420 of the Indian Penal Code.

As per written report Enquiry Committee consisting of three members submitted report that work in the village as mentioned in the written report has not been done by this petitioner (Contractor) in accordance with sanctioned estimate. It was found in the report that the petitioner received Transformers from sub-divisional store, Bettiah, and remaining materials were supplied by the petitioner himself but materials shown in the cash-



memos have not been fully utilized at works-site and excess amount was misappropriated by the petitioner to the tune of Rs.93,444/- causing wrongful loss to the North Bihar Power Distribution Company Limited, Patna, for which the informant was directed by the superior officers to lodge First Information Report against this petitioner.

Learned counsel for the petitioner has pointed out running page 12 and 20 of the brief which is part of the First Information Report, from which, it appears that entire bill of the petitioner was passed by the company itself which bears signature of Junior Electrical Engineer, Assistant Electrical Engineer and Executive Electrical Engineer. A certificate has been given with regard to those bills that the work has been completed as per specification of the agreement. It has further been submitted that after three years of making payment of those bills on completion of the work, the instant First Information Report has been filed.

Learned counsel for the Electricity Board has appeared and opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Sathi P.S. Case No. 90**



of 2017, he shall be released on anticipatory 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-VII, West Champaran, Bettiah**, subject to the conditions as laid down under Section 438 (2) 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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