

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2920 of 2018

Arising Out of PS.Case No. -139 Year- 2017 Thana -SURSAND District- SITAMARHI

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1. Ram Niwas Singh S/o Arjun Prasad Singh, R/o Village- Malahi, P.S.-
Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The North Bihar Power Distribution Company Ltd. Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Opposite Party No. 2 : Mr. Srikanth Sharan Singh, Adv.
For the State : Mr. Sri Ashok Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 19-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Sursand P.S. Case No.
139 of 2017 instituted for the offence under Section-409 of the Indian
Penal Code.

It is alleged in the written report that the petitioner was
appointed as Rural Revenue Franchisees 2013 scheme. He collected an
amount of Rs. 4,52,814/- towards electric bill of consumers for the
period from 06-06-2015 to 23-03-2016 and did not deposit in the
section office or in the electric supply subdivision, Sitamarhi. The
allegation against this petitioner is that he embezzled the aforesaid
amount, which is payable with interest @ 18% per annum.

Counsel for the petitioner has submitted that during
discharge of duty of franchise, he became seriously ill in the month of



October, 2015 and requested the authorities of the company to make payment of his commission but the authority did not take any cognizance of the request of the petitioner. Lastly, he proceeded for treatment in Christian Medical College, Vellore from 12th December, 2016 onwards. He has enclosed the Xerox copy of the medical prescription of Christian Medical College, Vellore as Annexure-2. It has also been submitted that he had deposited the total amount of Rs. 4,52,814/- after recovery from illness on 16-06-2017 for the period 06-10-2015 to 22-03-2016 for which, the Assistant Electrical Engineer has granted the certificate as Annexure-3.

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 Sursand P.S. Case No. 139 of 2017 to the satisfaction of Sri Sunil Kumar Tripathi, learned Judicial Magistrate, Pupri at Sitamarhi 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 liable to 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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