

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1939 of 2018

Arising Out of PS. Case No.-371 Year-2015 Thana- BANKA District- Banka

Nandji Yadav, S/o- Hardeo Yadav, Resident of Village-Hematpur, near Govt.
Higher Secondary School, Bhojpur, Police Station-Mufasil, District-Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. MD. SUFIYAN

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406 and 379 of the IPC.

The prosecution case as per the written report of Pradeep Kumar Roy, submitted to Station House Officer, Banka Police Station is to the effect that the informant being the General Manager of M/s Technofab Engineering Ltd., Banka was entrusted with the village electrification work in 11 blocks of District Banka by the South Bihar Power Distribution Company Limited. The petitioner being one of the Electrical Supervisor was assigned the work of replacement of burnt distribution transformers of various villages. It is alleged that 28 new 63 KVA distribution transformers were issued to the petitioner



between 28.04.2015 to 12.05.2015 from the store situated at Laxmipur within Banka town for installation, but he did not get the same installed. It is further alleged that on being continuously instructed to furnish the account of such replacement of D.T.Rs., in the office, he did not comply and subsequently, on 15.05.2015, left the site without either furnishing the report or any notice to the company and thereby committed criminal breach of trust with the company.

It is submitted by learned counsel for the petitioner that the petitioner is the employee of the private firm namely, M/s Technofab Engineering Limited, Banka and there is no any complain from the Power Distribution Company or the villagers that the transformers have not been replaced, but due to some dispute with management, the present case has been lodged. The police, after investigation, submitted final report only under Section 406 of the IPC and cognizance has also been taken under Section 406 of the IPC only. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner.

Considering the nature of accusation and the fact that the



petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 371 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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