

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.572 of 2018

Arising Out of PS.Case No. -252 Year- 2017 Thana -SINGHESHWARASHTHAN District -
MADHEPURA

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Satyanand Kumar Suman son of Late Chandeshwari Kumar Ram, resident
of village- Bhairabpur, P.S.- Singheshwar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rahul Kumar son of Madan Mohan Thakur, Assistant Electricity
Engineer, Electric Supply Sub-Division, Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate<

: Mr. Bhaskar Shankar, Advocate

For the State : Mr. Md. Fahimuddin, APP

For the Opposite Party No.2 : Mr. Padma Deo Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner and Mr. Padma Deo Narayan, learned

counsel for the opposite party no.2.

The petitioner seeks pre-arrest bail in connection with
Singheshwar P.S. Case No.252 of 2017 registered under Sections
406, 409 and 420 of the Indian Penal Code.

The allegation against the petitioner is that being a
village Revenue Franchisee he collected revenue from more than
one thousand consumers of the electric energy in Ghailard
Panchayat on behalf of North Bihar Power Distribution Company
Limited, but he did not deposit the same in the office of the
Company and, thus, defalcated lacs of rupees.



Mr. Krishna Prasad Singh, learned Senior Counsel appearing for the petitioner submitted that due to unavoidable and compelling reasons the petitioner failed to deposit the amount in time. However, the petitioner is ready to deposit the amount collected from the consumers of the electricity. He submitted that the petitioner had collected almost rupees five lacs fifty thousand from the consumers and he is ready to deposit rupees five lacs within eight weeks from today. He submitted that the company has also to pay commission to the petitioner for the collection made as franchisee and after accounting if any amount is found due, the petitioner would deposit the same within four months.

Mr. Padma Deo Narayan, learned counsel appearing for the North Bihar Power Distribution Company Limited submitted that since it is an admitted case of defalcation, the petitioner does not deserve grant of pre-arrest bail. However, he admitted that in case the petitioner deposits the amount collected by him, the court may consider his application under Section 438 of the Code of Criminal Procedure favourably.

Having heard the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner is directed to be released 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 Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No.252 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to the following additional conditions:-

- (i) That he shall file an affidavit before the concerned court that he will deposit Rs.5,00,000/- (rupees fifty lacs) in the relevant account of the North Bihar Power Distribution Company Limited within eight weeks.
- (ii) That on completion of eight weeks if the petitioner would fail to file receipt of the amount deposited with the North Bihar Power Distribution Company Limited, the bail granted to the petitioner shall stand automatically cancelled.

(Ashwani Kumar Singh, J)

Md.S./-

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