

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21948 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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Rajesh Kumar Singh @ Pintu Singh, S/o Shambhu Prasad Singh, Resident of Village- Saropatty, Ward No. 13, P.S. Singheshwar , District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Managing Director, North Bihar Power Distribution Company Ltd, Patna.
3. Rahul Kumar, S/o Madan Mohan Thakur, Assistant Electrical Engineer, Electric Supply Sub-Division, Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar-1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 23-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Singheshwar**

P.S. Case No. 38 of 2017 instituted for the offence under Sections 409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that there is no any specific allegation made in the written report about the amount which is said to have not been deposited by this petitioner after receiving the same from different Consumers on the basis of different receipt numbers as mentioned in the written report. It has further been submitted that petitioner has filed Singheshwar P.S. Case No. 33 of 2017 which is enclosed as



Annexure-2 stating therein that while he was going to Madhepura, two unknown persons have snatched his bag containing amount of Rs.2,80,000/- which he has collected from different Consumer along with DCR money receipt, cheque book, ATM Card, Passbook and other documents. He is ready to deposit Rs.2,80,000/- in the Electricity Department. He has further submitted that in the event after proper accounting, more money will be found due, he is also ready to deposit the same in the Electricity Department.

Learned counsel for the Electricity Department has appeared and submitted that he has not received any instruction with regard to the amount due with the petitioner on the basis of receipts which is mentioned in the First Information Report.

In such circumstances, the application is disposed off with a direction to the petitioner to surrender in the court below along with valid receipt showing payment of Rs.2,80,000/- in the electricity department within four weeks from the date of receipt/production of a copy of this order and the court below i.e. the Chief Judicial Magistrate, Madhepura, will enlarge the petitioner on anticipatory bail in the event of surrender/arrest of the petitioner, named above, in connection with Singheshwar P.S. Case No. 38 of 2017, to its own satisfaction, 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 absence on two consecutive dates without proper and reasonable reason will automatically 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.

It is made clear that in the event after proper accounting, more money will be found due, the petitioner will deposit the same as he has admitted during hearing of the bail petition.

(Sanjay Priya, J)

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