

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63600 of 2018

Arising Out of PS. Case No.-417 Year-2018 Thana- ARARIA District- Araria

Hasan Owais @ Hasan Awes son of Owais Ahmad @ Md. Owais Ahmed
resident of village Gaira ward no. 3, PS and District Araria

... .. Petitioner/s

Versus

State Of Bihar & Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Rana
For the State	:	Mr. Ram Sevak Choudhary
For Opposite Party no.2	:	Mr. Vijay Kumar Verma

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioner, learned
Addl. Public Prosecutor for the State as well as learned counsel
for the electricity department.

Petitioner apprehends his arrest in connection with
Araria P. S. case no. 417/2018 registered under sections 406 and
420 of the IPC.

Petitioner was authorized to collect amount from
consumers of the electricity department and accordingly, he
collected Rs 1,95,022/-but he defalcated Rs 35000/-. However,
it is informed that after institution of the present case, the
petitioner deposited amount in question with the electricity
department which is evident from perusal of annexure 2 to this
petition.



Learned counsel for the electricity department fairly concedes that the amount in question has already been deposited by the petitioner.

Learned counsel for the petitioner submits that, as a matter of fact, there was some confusion regarding accountancy of the collected amount and that was the reason, petitioner could not deposit Rs 35,000/- and as soon as he came to know about the aforesaid amount, he immediately deposited said amount with the electricity department.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in Araria P. S. case no. 417/2018 subject to condition as laid down under section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

s.hassan/-

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