

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22793 of 2019**

Arising Out of PS. Case No.-6 Year-2018 Thana- JALE District- Darbhanga
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PRADEEP KUMAR aged about 33 years, male, S/o Bishnudeo Pd.
Chaurasia R/o village- Madud, P.O.- Bairisarai, P.S.- Khodaganj, District-
Nalanda, at present Junior Engineer, Bettiah, District- Bettiah

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. The Electricity Board, North Power Distribution Company Bihar, Patna Bihar

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Kameshwar Singh, Advocate.
For the State	:	Rajendra Prasad Nat, APP
For the O.P. No. 2	:	Mr. Vinay Kirti Singh, Sr. Advocate.
		Mr. Vinay Kumar Verma
		Mr. Akhileshwar Singh, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 11-04-2019 Heard learned counsel for the petitioner, learned

APP for the State as well as learned counsel for the Power

Company.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 409, 420, 467, 468, 471 of the Indian
Penal Code and Section 138 of the Electricity Act, 2003 registered
in connection with Jalley P.S. Case No. 06 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and the petitioner is not an F.I.R. named accused. Only
suspicion has been raised in the written report to the effect that
co-accused Guddu Kumar had misappropriated the money relies



from various consumers aggregating to Rs. 11,72,956/- with the connivance of the petitioner. In any event statement is made at Bar on behalf of the petitioner that the said co-accused Guddu Kumar had been granted regular bail in B.P. No. 631 of 2018 by the learned Sessions Judge, Darbhanga, noticing his submission that the total bill amount which had been collected from the consumers had already been deposited in the Electricity Department with receipts enclosed. The petitioner claims clean antecedents.

4. Learned counsel for the opposite party, Power Company appears and has been heard.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Darbhanga in connection with Jalley P.S. Case No. 06 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.



(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

6. The provisional bail shall be confirmed upon verification by the learned Court below that the entire amount of Rs. 11,72,956/- collected from the consumers has since been deposited by co-accused Guddu Kumar in the Electricity Department. In case it is found that the said amount has not been deposited in Electricity Department, the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

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