

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41092 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- MURLIGANJ District- Madhepura

PANKAJ KUMAR S/o Ramesh Prasad Yadav R/o village- Jhajha, P.O.-
Fulbari, P.S.- Gogri, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bishnukant Pandit S/o Shivjee Pandit Assistant Electricity Engineer Electric
Supply Sub-division, Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjiv Kumar
For the Opposite Party/s	:	Mr.Mukeshwar Dayal
For the NBPDC	:	Mr. (Dr.) Anand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-07-2019 Heard learned Counsel for the petitioner, learned

Counsel appearing for the NBPDC and learned Additional

Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises

out of Murliganj Police Station Case No. 43 of 2019, disclosing

offences under Section 409 of the Indian Penal Code.

The allegation against the petitioner is that while he

was posted as Junior Table Man in the Electric Supply Office of

Murliganj, he collected revenue to the tune of Rs, 1,13,497/-, but

did not deposit the same in the concerned office.

Learned Counsel for the petitioner submits that the

petitioner after collecting the said amount, got seriously ill and,



therefore, he could not deposit the same in the concerned office. The petitioner had no intention to misappropriate the said amount as the entire amount with interest, i.e. Rs. 1,27,935/- has been deposited by the petitioner in the concerned office.

Learned Counsel for the NBPDCCL submits that though the amount collected by the petitioner has been deposited, but the intention of the petitioner was to misappropriate the amount in question and he does not deserve privilege of anticipatory bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the entire amount with interest has been deposited by the petitioner and the petitioner has given justification for the delay, this application is allowed.

Let the petitioner, Pankaj Kumar, in the event of his arrest or surrender before the Court below within four weeks, 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 Murliganj Police Station Case No. 43 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall



present himself before the police/Court, as the case may be, as
and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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