

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21059 of 2020

Arising Out of PS. Case No.-181 Year-2019 Thana- SAKRA District- Muzaffarpur

BABLU KUMAR Son of Radhey Ray Resident of Uma Bhawan, 39, Naya Tola, P.S.- Kazi Mohammadpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Assistant Electrical Engineer, N.B.P.D. Company Ltd., Electric Supply Upper Division Dohli, P.S.- Sakra, Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Shekhar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-08-2020 The court proceeding has been conducted through virtual mode.

Since the Court proceeding in physical mode is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the Bench.

Heard learned counsels for the petitioners and learned



APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 409 and 420 of the IPC.

The prosecution case, as per the written report of Assistant Electrical Engineer, Electric Supply Upper Division, Dholi, submitted to the Station House Officer, Sakra is to the effect that during special audit of the Electric Supply, Upper Division, Dholi for the period 2013-14, the petitioner and co-accused Pranay Thakur, being the Revenue Franchisee, collected electricity bill, but did not deposit in the office of Electric Supply, Upper Division, Dholi and thereby the petitioner misappropriated an amount of Rs. 3,42,098/-.

It is submitted by learned counsel for the petitioner that with the same accusation for the same period, the then Assistant Electrical Engineer, Electric Supply Upper Division, Dholi lodged a written report on 03.11.2014 to the Station House Officer, Sakra Police Station, leading to registration of Sakra P.S. Case No. 512 of 2014 under Section 409 of the IPC, wherein it was alleged that the petitioner, being the Revenue Franchisee, collected Rs. 2,22,120/- and misappropriated the same. Consequently, the petitioner deposited the said amount



and gave intimation with regard to the same to the Assistant Electrical Engineer, Upper Division, Dholi, vide letter dated 15.11.2014, as contained in Annexure-5 and the same was being acknowledged by the informant of the said case, vide letter dated 15.11.2014, as contained in Annexure-6 and considering the same, the petitioner was granted anticipatory bail in that case vide order dated 07.07.2015, passed by learned District and Sessions Judge, in A.B.P. No. 1278 of 2015, as contained in Annexure-7. It is further submitted that one other case was also lodged against the petitioner being Sakra P.S. Case No. 381 of 2015, under Sections 406 of the IPC and Section 138 of the N.I. Act in which the petitioner is also on bail.

Mr. Vinay Kriti Singh, learned counsel for the South Bihar Power Distribution Company Limited submits that though earlier FIR was lodged in November, 2014, but during special audit, it was surfaced that the petitioner has misappropriated further amount and hence, the present case has been lodged.

Considering the fact that from the FIR, it appears that the accusation in the present FIR is of collecting the revenue from April, 2013 to October, 2014 and thereby misappropriating amount of Rs. 3,42,098/- whereas in the earlier FIR, which was lodged on 04.11.2014, much after the alleged period mentioned



in the present FIR, accusation was of misappropriating Rs. 2,22,120/-, which was deposited by the petitioner, but the present FIR does not mention either about the earlier FIR or about adjustment of amount which has already been deposit by the petitioner, the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned Court below from today, on furnishing one surety to the satisfaction of the learned Sub-Judge-XIII-cum-A.C.J.M. IV, Muzaffarpur, in connection with Sakra P.S. Case No. 181 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within a period of three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the



time of provisional bail, of the like amount each to the satisfaction of the learned Sub-Judge-XIII-cum-A.C.J.M. IV, Muzaffarpur, in connection with Sakra P.S. Case No. 181 of 2019.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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