

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44060 of 2021

Arising Out of PS. Case No.-482 Year-2020 Thana- MADHEPURA District- Madhepura

PAWAN KUMAR SUMAN S/O LATE CHHATRADHARI PRASAD
YADAV R/O VILLAGE AND P.O-KOSHALI PATTI, P.S.-PIPRA,
DISTRICT-SUPAUL.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE N.B.P.D.C. LTD. THROUGH ITS MANAGING DIRECTOR,
VIDHYUT BHAWAN, BAILEY ROAD PATNA. PATNA.
3. THE ACCOUNTS OFFICER, ELECTRICITY SUPPLY DIVISION,
MADHEPURA. MADHEPURA.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Amrit Abhijat, Advocate
For the State	:	Mrs.Pushpa Sinha-1, APP
For the NBPDC	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Vijay Kumar Verma, Advocate
		Mr. Akhileshwar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

12 10-11-2022 Heard learned counsel for the petitioner, learned
senior counsel for the NBPDC and learned A.P.P. for the State.

Learned counsel for the petitioner undertakes to
remove the defects, as pointed out by the office, within four
weeks. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner apprehends his arrest in Madhepura
P.S. Case No. 482 of 2020 registered for the offences
punishable under Sections 419/420/409 of the Indian Penal



Code pending in the Court of learned Chief Judicial Magistrate, Madhepura.

The petitioner, being a work force supplier contractor, is said to have defalcated Rs.21,96,357/-, which was deposited in the EPF accounts of the workers.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. As a matter of fact, Rs.95 lakhs is due against opposite parties and on the other hand the opposite parties has launched malicious prosecution against the petitioner. It is further submitted that the details of the amount paid is not correct and the same would be established by statement of account of bank. Petitioner has no criminal antecedent.

Learned senior counsel for the NBPDCCL vehemently opposing the bail petition submitted that opposite party no.3 had paid total amount of Rs.81,94,971/- to the petitioner out of which the petitioner submitted utilization certificate of Rs.59,98,614/- and Rs.21,96,357/- is still lying with the petitioner which has not been deposited by him till date. Hence, the petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of case, I am



not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

