

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52983 of 2021

In
CRIMINAL MISCELLANEOUS No.22654 of 2020

Arising Out of PS. Case No.-538 Year-2019 Thana- PAROO District- Muzaffarpur

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RAHUL RAJ @ RAHUL RAI S/o AKHILESH KUMAR SINGH R/o
VILLAGE-MOHJAMMA, P.S.-PAROO, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE NORTH BIHAR POWER DISTRIBUTION COMPANY LTD.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Javed Aslam, Adv. Ms. Devika Rani, Adv.
For the Opposite Party/s :	Mr.Mritunjay Kumar Nirala, APP
For the Electricity Deptt. :	Mr. Vinay Kirti Singh, Adv. Mr. Akhileshwar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-03-2022 Heard the learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel appearing for the North Bihar Power Distribution Company Ltd.

This is an application for grant of anticipatory bail in connection with Paroo P.S. Case No. 538 of 2019 registered for the offence punishable under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code.

The case of the prosecution in brief, according



to the informant, who is the Assistant Electrical Engineer, Electric Supply Sub-Division Saraiya of the North Bihar Power Distribution Company Ltd. is that upon inquiry and investigation, it has been found that for carrying out the work of revenue collection and spot billing, one agency namely Mega Calibre Enterprises Pvt. Ltd. had employed the petitioner as a meter reader & bill collector for the Electric Supply Division, Deoria. It is also alleged that the petitioner was engaging in collecting money illegally from the consumers by issuing fake receipts and for the said purpose, he had got fake money receipt printed in the name of North Bihar Power Distribution Company Ltd. It has also been alleged that the petitioner had issued 15 fake receipts, details whereof has also been given in the FIR.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the



allegation levelled by the informant is baseless and the petitioner has got no complicity in the matter. It is further submitted that most of the amount mentioned in the FIR has already been deposited by the consumers and as far as the balance amount of Rs. 9020/- is concerned, a demand draft dated 13.1.2022 in favour of NBPDCCL is being produced before this Court to show the petitioner's bonafides. It is further submitted that apart from the aforesaid, no other allegation regarding the petitioner having defalcated any other amount has been levelled.

The learned Senior Counsel for the North Bihar Power Distribution Company Ltd., Sri Vinay Kirti Singh, assisted by Sri Vijay Kumar Verma, Advocate, has submitted that the Electricity Company is not averse to the idea of accepting the draft in question and would definitely deposit the said draft in its account, however, liberty be granted to take appropriate action, in accordance with law.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court deems it fit and proper to hand over the draft produced by the learned counsel for the petitioner, totalling to a sum of Rs. 9020/-, dated 13.1.2022, to the learned counsel appearing for the NBPDCCL. This Court further finds that since at the moment no further amount of alleged defalcated amount is remaining to be paid as far as the petitioner is concerned, I deem it fit and proper to enlarge the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM III (West), Muzaffarpur, in connection with Paroo P.S. Case No. 538 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

(Mohit Kumar Shah, J)

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