

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50745 of 2023

Arising Out of PS. Case No.-101 Year-2020 Thana- SUPAUL District- Supaul

=====

Santosh Kumar @ M/S Santosh Kumar, Male, aged about 39 Yrs @
Proprietor Santosh Kumar S/O Chandeshwari Prasad Yadav R/O Village-
Barharha Koni, P.S- Nimarli, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Supaul Town P.S. Case No. 101 of 2020 dated 13.02.2020,
instituted for the offence punishable under Sections 420 & 406
of the Indian Penal Code.

3. The prosecution case, in short, is that M/S Santosh
Kumar entered into an agreement with Electricity Supply
Division but on failure to fulfill the contract, it was canceled.
Allegation against the petitioner is of committing criminal
breach of trust by not providing the payment of “Manav Bal”
after taking government money of Rs. 7,83,841/-. The same has
not been paid by agency in the E.P.F. account of “Manav Bal”



and monthly honorarium had also not been paid in the account of “Manav Bal” in spite of the same being paid by the electricity company to the agency. Petitioner is a proprietor of M/S Santosh Kumar @ proprietor Santosh Kumar.

4. Learned counsel for the petitioner submits that allegation against the petitioner is that he received Rs.7,83,841/- from the electricity company but the same was not deposited in the EPF account. Learned counsel further submits that total Rs.7,83,861/- has been deposited through *Challan* on different dates; lastly on 20th January, 2023, and Xerox copy of the *Challan* has been annexed as Annexure-2 series. It is further submitted that the petitioner has filed receipts of payment *Challan* before the Sessions Judge, Supaul in ABP No. 1533 of 2023 stating that all the payment of E.P.F. account has been paid by 20.01.2023. Lastly, it has been submitted that he has clean antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Supaul Town P.S.



Case No. 101 of 2020, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

annpurna/-

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

