

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46683 of 2022

Arising Out of PS. Case No.-314 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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PANCHAM GOSAI Son of Late Barat Goswami Resident of Mohalla - New
Area, Ravidas Nagar, Devi Mandir, Police Station- Town and District -
Aurangabad (Bihar). Petitioner/s

Versus

The State of Bihar Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 54047 of 2022

Arising Out of PS. Case No.-314 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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CHANDAN KUMAR S/o Ram Bachan Vishwakarma R/o Mohalla- Laxaman
Bigha, New Area, P.S.- Aurangabad Town, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 46683 of 2022)

For the Petitioner/s : Mr.Manish Kumar No2, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 54047 of 2022)

For the Petitioner/s : Mr.Purushotam Sharma, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in connection

with Aurangabad (Town) P.S. Case No. 314 of 2022 instituted

under Sections 420, 409, 120(B) and 34 of the Indian Penal

Code.

As per the prosecution story, the Electrical Executive



Engineer, Electric Supply Division, Aurangabad alleged that after correction of bill, it was found that the accused persons had defalcated Rs. 60,70,921.45/-. Since this was a criminal act, special enquiry was held and it was found that Ashok Kumar who was the Assistant Engineer in the said office had not maintained privacy and given the password to these two accused persons and subsequently, the defalcation came into picture. Further, it has been found that out of the said Rs. 60 lakh, after special Audit team was constituted, Rs. 41,29,572 was deposited back and the total amount left was now Rs. 19,41,350/-.

Learned counsels in both the cases submit that without accepting the allegation, they are ready to pay Rs. 6,00,000/- each to the Electricity Department (the informant) with the conditions that once they realize the shortage amount from the 53 consumers, they will be liable to return the amount to them.

Learned APP on the other hand submits there is a defalcation of Rs. 19 lakh to the State by the accused persons and in that view of the matter, the petitioners do not deserve bail.

Taking into account the fact that the petitioners are



ready to pay Rs. 6 lakh each, they do not have criminal antecedent and will ultimately face the trial, this Court is inclined to grant him relief.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Aurangabad (Town) P.S. Case No. 314 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad subject to payment of Rs. 6,00,000/ each from the period of four weeks as also the conditions as laid down under Section 438(2) of the Cr.P.C.

This will be subject to payment of Rs. 3,00,000/- each at the time of their surrender or arrest/filing bail bonds and rest Rs. 3,00,000/- will be deposited within next four weeks on release on bail failing which the concerned Court will take appropriate steps for the cancellation of their bail bonds.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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