

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59775 of 2022

Arising Out of PS. Case No.-515 Year-2016 Thana- FORBESGANJ District- Araria

Rajendra Kumar Paswan S/o Late Yamuna Prasad Resident of village-
Sondihri, Post- Barela, Ward no. 14, Police Station- Shivsagar, District-
Rohtaas

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Shivnandan Bharti, Advocate
For the State	:	Mr. Choubey Jawahar, A.P.P.
For the N.B.P.D.C.L.	:	Mr. Ajay Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-02-2023 Heard learned senior counsel for the petitioner,

learned counsel appearing on behalf of the N.B.P.D.C.L. as well

as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 409 and 420 of the Indian
Penal Code.

According to prosecution case, in brief, is that the
informant namely Roshan Kumar, Assistant Engineer (Electric)
on 01.10.2016 stating therein that the Rajendra Kumar Paswan,
Assistant Electric Supply Sub-Division Forbesganj was posted
as Cashier in this office from 22.07.2015 to 15.03.2016. The
petitioner made a entry in book of account during the said



period and the last day i.e. on 15.03.2016 the closing balance was shown 1569802 rupees (Fifteen lakhs sixty nine thousand eight hundred two rupees) and the balance of Cheque 145125 rupees (One lakh forty five thousand one hundred twenty five rupees) was shown to be deposited in Bank without mentioning in the book of account which is wrong and illegal. By this way, prima-facie, the total amount i.e. Rs.1569802+Rs.145125 = Rs.1714927 (Seventeen lakhs fourteen thousand nine hundred twenty seven rupees) has been embezzled from the revenue of North Bihar Power Distribution Company Ltd. Number of times, clarification has been asked from the petitioner in this regard but not satisfactory response has been submitted by the petitioner leading to assumption of embezzlement in the revenue of aforesaid Company. Hence, requesting the officer police station Forbesganj to register an FIR against the petitioner by restoring the embezzled amount to the revenue of the aforesaid Company.

Learned senior counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that pursuant to the F.I.R. a departmental proceeding had been initiated and the inquiry committee ordered for deduction of total amount of



Rs.17,14,927/- as a punishment and Rs.27,000/- will be deducted per month for his salary till superannuated vide order dated 20.12.2020. He further submits that petitioner is ready to face the consequence as alleged in Charge no.3 and at present the deduction of the said amount of Rs.27,000/- has started per month to the department in pursuance to the order dated 22.12.2020 vide letter No.1157. The petitioner is in custody since 01.08.2022

Learned counsel appearing on behalf of the North Bihar Power Distribution Company Ltd. as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner but fairly submits that due to latches on the part of the Company the decision has not been taken with respect to the Charge no.3.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Forbesganj P.S. Case No. 515 of 2016, arising out of G.R. No. 3279 of 2016, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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