

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61087 of 2022

Arising Out of PS. Case No.-272 Year-2018 Thana- SARAIYA District- Muzaffarpur

SUBODH KUMAR OJHA S/o Late Balji Nath Ojha R/v- Basantpurpatti,
P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Assistant engineer electricity department, Electricity Supply Sub- division,
Saraiya North distribution company limited, Muzaffarpur Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, A.P.P.
For the O.P. No. 2	:	Mr. Shrekant Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-07-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the South Bihar Power
Distribution Company Limited and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 419
and 420 of the Indian Penal Code.

The informant alleges that petitioner after collecting
electricity dues did not deposit the amount in the office, thus
misappropriated an amount of Rs. 2,10,487/-.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated in the present case, it is next submitted that from



perusal of the allegation as alleged in the FIR it would manifest that the allegation is of the year 2017 and the FIR came to be instituted on 1.07.2018, it is further submitted that since petitioner was appointed by the Company on commission basis and when he was demanding his commission for the amount he had deposited, when the present false case came to be instituted. It is further submitted that petitioner as Commission Agent had deposited nearly an amount of Rs. 7-8 crores with the Company but the company till date has not paid the commission amount, it is thus submitted that when the dues of the petitioner against the company is of more than 15-16 lakhs, why the petitioner would have misappropriated an amount of Rs. 2,00,000/- and odd.

Learned A.P.P. for the State along with learned counsel appearing on behalf of the South Bihar Power Distribution Company Limited opposed the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned trial court where the case is pending/successor court in connection with Saraiya P.S. Case No. 272 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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