

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51910 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- KAUWAKOL District- Nawada

Dharmendra Kumar, S/O Shri Yogeshwar Singh, aged about 34 years, R/O
Village- Pirajpur, P.S. Kutumba, Dist. Aurangabad, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Deepak Kumar, Advocate

For the Opposite Party : Mr. Damodar Prasad Tiwary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 04-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kawakole P.S. Case No. 221 of 2022 dated 23.04.2022 registered for the offences punishable under Sections 406, 420, 467, 468 and 471 of the I.P.C.

3. As per the prosecution case, the petitioner the then Junior Engineer, Electric Supply Division, Kawakole, received cash Rs. 4,27,649/- from the Consumer No. 22230001795/NA01802 vide Receipt No. VV522230 dated 03.12.2018 but he showed the receiving of Rs. 1,000/- only in second copy of money receipt and in the name of consumer Samim Akhtar bearing Consumer No. 22230028974



/WARKK2021 dated 10.12.2018 and in DCR made entry of Rs. 2,000/- in the account of South Bihar Power Distribution Limited vide Receipt No. VV522230 as such the petitioner has embezzled Rs. 6,77, 824/- including interest on the above amount of the said company.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has no concern with the alleged offence. The alleged occurrence took place in the year 2018 as to when the F.I.R. was lodged in the year 2022 for which no explanation has been given by the prosecution. It is further submitted that the petitioner was posted at Kawakole as Junior Engineer from 02.08.2018 to 17.09.2020 and during that period, one Arvind Kumar, skilled Khalasi, used to sit on the cash counter and was involved in the daily collection from the consumers and at the end of day, daily collection report was used to prepare by the said Arvind Kumar, skilled Khalasi, and the same was signed by the petitioner. Moreover, the alleged misappropriated amount Rs. 6,77,824/- has already been deposited by the petitioner on 17.05.2022, vide Receipt No. 3242 in the concerned department and there is nothing dues left in this regard, annexed as Annexure-2 to the



bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Nawada in connection Kawakole P.S. Case No. 221 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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