

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60339 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- KURSAKANTA District- Araria

Jitendra Sah @ Jitendra Kumar Sah, Son of Manikchand Sah, Resident of Village- Rajaula, Ward No. 05, P.S- Kursakanta (Sonamani Gudam), Distt- Araria

... .. Petitioner

Versus

1. The State of Bihar
2. North Bihar Power Electricity Supply, Patna

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ramesh Kumar Singh, Advocate
For the State	:	Mr. Md. Fahimuddin, APP
For the O.P. No. 2	:	Mr. Vinay Kriti Singh, Senior Advocate
		Mr. Akhileshwar Singh, Advocate
		Mr. Venkatesh Kirti, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 25-10-2024 Heard Mr. Ramesh Kumar Singh, learned counsel for the petitioner and Mr. Vinay Kriti Singh, learned Senior Counsel for the informant-opposite party no. 2 as also Mr. Md. Fahimuddin, learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Kursakanta P.S. Case No. 131 of 2023 registered for the offences punishable under Sections 420, 406, 467, 468/34 of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution story, the informant alleged in the FIR that the petitioner and his brother, namely, Shyam Sah used to realize the electricity bill from the people of Dumaria, Sundari, Harira and Madhubani Gram Panchayat but did not



deposit the same and no receipt were given to the villagers due to which the deposited money could not be adjusted in the consumers bill.

4. Learned counsel for the petitioner submits that the petitioner is not an employee of the North Bihar Power Distribution Company. He was engaged in collection of electricity bills by the Franchise Company, namely, Emdee Digitronics Pvt. Ltd., Kolkata for Kursakanta Section as meter reader. This petitioner was allotted meter reading ID by the Divisional Coordinate of the Company under North Bihar Power Distribution Company Limited for the panchayats, namely, Harira, Dumariya and Madhubani.

5. Learned counsel submits that if the bills amounts were not being deposited by the petitioner, the complainant should have verified this fact from the office that how their bills are carrying dues amount. According to him, the allegation against the petitioner is vague. The petitioner has already left his job after he was removed by the Company.

6. On the other hand, learned Senior Counsel for the informant submits that the petitioner was in a position of trust. He was engaged as meter reader and had been allotted an ID. It is submitted that he being the bill collector had engaged himself in collecting money from the consumers in the name of depositing



the same with the company or in the name of getting their consumption recorded also.

7. Learned counsel for the petitioner offers to deposit the amount of Rs.1,05,000/- without prejudice which is mentioned in the complaint petition by the petitioner as a condition for purpose of anticipatory bail but learned Senior Counsel for the informant submits that the deposit of money should not be any ground for grant of privilege of pre-arrest bail as it is likely to encourage more and more such commission of crimes.

8. Learned counsel for the petitioner submits that one of the accused, namely, Shyam Sah has been granted privilege of regular bail by this Court in Cr. Misc. No. 8986 of 2024.

9. This Court, however, finds that the case of the petitioner is not only distinguishable on merit but the petitioner is also seeking pre-arrest bail which is required to be considered on a different parameter.

10. Having regard to the submissions noted hereinabove and on noticing that this petitioner was engaged as a bill collector and there are allegations against him by the villagers that he had collected huge money from the villagers but did not deposit the same with the company, he being in a position of trust, this Court would not be inclined to grant privilege of pre-arrest bail to the petitioner. His prayer is refused.



11. If the petitioner surrenders and prays for regular bail in the learned trial court within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudice by the order of this Court.

12. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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