

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48858 of 2025

Arising Out of PS. Case No.-405 Year-2024 Thana- TRIVENIGANJ District- Supaul

Uttam Kumar @ Utam Kumar S/o Aditya Chaudhary R/o Village- Nawadih,
P.O.- Pandey Parswan, P.S.- M.M.C. Gaya, District- Gaya under suspension
(Since 17-04-2021), Junior Accounts Clerk Electric Supply Sub-Division,
Triveniganj, At present Jr. Account Clerk Electric Supply Sub-Division,
Bagha (West Champaran), Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 211-08-2025
1.

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2.

This application, for grant of anticipatory bail, arises out of Triveniganj Police Station Case No. 405 of 2024, dated 10.10.2024, disclosing offences under Sections 316(5)/3(5) of the Bhartiya Nyaya Sanhita.
3.

The prosecution case, as per the First Information Report, is that the petitioner, along with co-accused Abhishek Kumar, Junior Electrical Engineer (Revenue), Electricity Supply Sub-Division, Triveniganj, and Md. Rizwan, Assistant Electrical Engineer, Electricity Supply Sub-Division, Triveniganj, has committed financial



irregularities and defalcated a sum Rs. 57,69,249/-. The petitioner was directed to co-operate in the audit proceeding and to handover the records by opening the lock of record room, but the petitioner did not appear and thereafter, the lock was opened before the Sub-Divisional Officer, Triveniganj, in presence of the Deputy Magistrate, where 475 money receipt, 432 registers and rough papers were recovered. It has further been alleged that audit is still going on and defalcated amount may further increase.

4. Learned counsel for the petitioner submits that at relevant point of time the petitioner was posted as Junior Electrical Engineer, Electricity Supply Sub-Division, Triveniganj. On the basis of allegation made in the First Information Report, the petitioner has been suspended, but no action has been taken against the co-accused persons. He next submits that allegation of committing irregularities in cash book and V-Wallet, causing pecuniary loss and defalcation of public money, is not specifically against the petitioner, there is no cogent evidence to connect the petitioner with the present offence. He further submits that there is an unexplained delay of about two months in



lodging the First Information Report inasmuch as the interim report of the concern-authority of North Bihar Power Distribution Company Limited, Patna, came to the knowledge of the informant by letter, dated 29.08.2024, whereas the First Information Report has been lodged on 10.10.2024. The petitioner has filed the representation before the Electric Executive Engineer, Electricity Supply Sub-Division, Triveniganj, stating therein, that daughter of the petitioner had been ill for last six months and was under treatment, therefore, he could not come and handover the keys. It has further been stated, in the representation, that the petitioner had never received the key of room where records were kept. Accordingly, it is submitted that the main accused/culprits are the Executive Engineer and Sub-Divisional Officer, and any transactions/collections so made were under their joint signature.

5. I have learned counsel for the parties and have gone through the materials available on record and First Information Report.
6. It appears that the petitioner was posted as Junior Electrical Engineer, Electricity Supply Sub-Division,



Terivenganj, and there is allegation against him, along with other co-accused persons, for defalcation of public money to the tune of Rs. 57,69,249/-.

7. Considering the nature of allegation and materials available on record, I am not inclined to grant the petitioner privilege of anticipatory bail.
8. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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