

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22917 of 2015

Arising Out of PS.Case No. -111 Year- 2014 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Ramjee Prasad Gupta @ Ramjee Prasad son of Sri Ram Chandra Sao
2. Babban Singh son of Late Sugreev Singh
3. Devanand Singh @ Devanandan Singh, S/o Late Rambali Singh
All are resident of Mohalla Nagar Marma Road, P.S. Aurangabad (Town) &
Distt.- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The South Bihar Power holding and transmission company Ltd. Vidyut
Bhawan Bailey Road, Patna (Bihar) through its Managing Director.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma
For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 14-07-2015 Counter affidavit is filed on behalf of electricity
department.

Heard learned counsel for the petitioners, learned
counsel appearing for the electricity department as well as learned
Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Aurangabad Town P.S. Case No. 111 of 2014 registered for the
offences punishable under Section 135 of the Electricity Act.

Petitioners were found consuming electrical energy
illegally and accordingly, they caused damage to the electricity

department to the tune of Rs. 41,124/- each.

The contention on behalf of the petitioners is that petitioners are ready to deposit the aforesaid amount in installments without admitting the prosecution case because petitioners are valid consumers of electricity department but the concerned Junior Engineer lodged the present case with mala fide intention.

Learned counsel appearing for the electricity department does not raise any objection.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge (Electricity), Magadh Area, Gaya in Aurangabad Town P.S. Case No. 111 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C. and furthermore, each petitioners shall deposit 50% of damage amount with the electricity department within a month from the date of their release and remaining amount shall be deposited by each petitioners within

three months in three installments. The electricity department shall issue receipt thereof, if the petitioners deposit the amount in question in the manner as stated above. It is made clear that any failure on the part of petitioners shall give liberty to the court below to cancel the bail bonds of the petitioners. It is also made clear that above stated deposited amount shall be subject to the result of the present case.

(Hemant Kumar Srivastava, J)

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