

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23246 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -CHANDI District- BHOJPUR

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Rama Kant Singh, Son of Ram Kishore Singh, Resident of village -
Roopchakiya, Police Station - Chandi, District - Bhojpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Advocate.

For the Opposite Party : Mr. S.M. Rahman (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-07-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for
the offence punishable under Section 135 of the Electricity Act.

The informant made allegation that the petitioner was
running the welding machine without having valid electrical
connection and thereby cause loss of Rs. 3,72,760/- to the electric
supply company.

Learned counsel for the petitioner submits that the petitioner
entered into an agreement with the owner of the building for running
shop on 31.01.2015 and the case lodged on 13.03.2015. The assessment
is not in accordance with law. It is further submitted that search and
seizure was also not made in accordance with law and the same does
not show that the petitioner was committing theft of electricity.

Considering the facts aforesaid and the fact that the

petitioner was found running wielding shop without having proper connection, if the petitioner deposits 40 per cent of the total amount of loss within one month from the date of receipt of this order, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Noor Sultana, the learned Judicial Magistrate, 1st Class, Bhojpur at Ara in Chandi P.S. Case No. 25 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. It is further directed that the petitioner shall deposit the remaining 60 per cent amount in three equal installments within six months thereafter. If the petitioner fails to deposit the aforesaid amount within the stipulated period, the court below shall cancel the bail bond of the petitioner. The deposit of the amount shall be subject to result of the case.

(Prabhat Kumar Jha, J.)

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