

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38735 of 2014

Arising Out of PS.Case No. -54 Year- 2014 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

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Ajay Kumar Shrivastava @ Ajay Kumar Srivastava S/o Raj Narayan Prasad
resident of vill.- Bara Bariyarpur, P.S.- Chhatauni, Dist.- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

2. Bihar State Power Holding Company Ltd. Bailey Road, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. A.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 13-03-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 135 of the Electricity Act and that the petitioner has no criminal antecedent and that whatever has been alleged against him of using unauthorized electricity for welding work, has led to loss to the tune of Rs. 4,94,000/- in all, this Court would be inclined to grant anticipatory bail to the petitioner only because learned counsel for the petitioner submits that the petitioner shall pay the said amount in 10 equal monthly installments.

That being so, if the petitioner, namely, Ajay Kumar Shrivastava @ Ajay Kumar Srivastava surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two

sureties of the like amount to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran in connection with Chhatauni P.S.Case No. 54 of 2014, subject to the following conditions:

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- (i) The release of the petitioner shall be made only on given an undertaking as also payment of Rs. 50,000/- by way of 1st instalment and remaining amount in 09 equal monthly instalments of Rs. 50,000/- each. The payment of 10th (last) instalment /final instalment would also include the amount of Delayed Payment Surcharge (DPS) for the delay in payment by the petitioner of the entire amount in one-go, and its being paid in ten monthly instalment and for this purpose, the competent authority of the electricity supply company shall give a detail calculation to the court below.
 - (ii) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any

change in the address of the petitioner.

- (iii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is , he shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (v) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Sujit/-

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(Mihir Kumar Jha, J)