

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25087 of 2015

Arising Out of Beur PS.Case No. -14 of 2014, Thana –BEUR, District-
PATNA

=====

Malichandra Singh @ Sri Malichandra Singh, S/o late Satish Chandra Singh, resident of Sri Krishna Vihar Colony, P.S. Beur, Town & district Patna.

.... Petitioner

Versus

1. The State of Bihar
2. South Bihar Power Distribution Co (The Bihar State Electricity Board, Patna through Chief Manager, South Bihar Distribution.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Damodar Pd. Tiwary
and
Mr. Bimalesh Kumar
For the opposite party No.2: Mr. Anand Kr. Ojha
For the opposite Party-State: Mr. Meena Singh(APP)

=====

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

2 08-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Malichandra Singh alias Sri Malichandra Singh, in connection with Beur Police Station Case No. 14 of 2014 under Section 135 of the Electricity Act.

Perused the above application, and materials on record including a copy of the order, dated 23.04.2015, passed, in A.B.P. No.22082 of 2014, by the learned Sessions Judge, Patna, dismissing the said application for pre-arrest bail.

Heard Mr. Damodar Pd. Tiwary, learned counsel for the petitioner, and Mr. Ashok Kumar, learned Additional Public

Prosecutor, appearing on behalf of the State. Also heard Mr. Anand Kumar Ojha, learned Standing counsel, appearing on behalf of the Bihar State Electricity Board.

It has been submitted on behalf of the petitioner that the petitioner is an authorized consumer of the Electricity Board having consumer No. 0/0 204466288 (010204466288) and he is agreeable to pay the dues of Rs, 2,62, 921.00, which allegedly arose as the petitioner consumed electricity by committing theft of electricity.

Learned counsel for the petitioner submits that the petitioner's act of consumption of electricity was not dishonest and he is ready to make payment of fine of Rs. 2, 62,921.00 in ten equal monthly instalments to the office of the Electricity Board.

To the submission so made, no serious objection has been raised by, or on behalf of the informant.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioner above-named shall, in the event of his arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties of the like amount, subject to the satisfaction of the Officer-in-Charge, Beur Police Station, Patna. This direction for bail is further subject to the condition that the petitioner above-

named shall, within two weeks from today, appear before the Officer-in-Charge, Beur Police Station, and make himself available for interrogation by police at all reasonable time and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

It is made clear that if the petitioner fails to pay any monthly instalment amount aforementioned to the office of the Electricity Board, the informant shall remain at liberty to take recourse to appropriate provisions of law.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Beur Police Station, District Patna.

Send also a copy of this order, forthwith, to the Superintendent of Police, Patna, by fax.

(I. A. Ansari, J)

A.I./-

U			
---	--	--	--