

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30368 of 2015

Arising Out of PS.Case No. -259 Year- 2013 Thana -CIVIL LINE District- GAYA

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1. Binod Kumar Gupta S/o Late Gupteshwar Prasad Gupta, Resident of
Mohalla Gudar Pandey Lane, Manpur, P.S. Buniadganj, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The South Bihar Power Distribution Company Ltd., through its
Managing Director, Vidhyut Bhawan, Bailey Road, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashish, Advocate.

For the Opposite Party/s : Mr. Md.Sufiyan(App)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

3 20-08-2015

This is an application, made under Section 438 of the
Code of Criminal Procedure, seeking pre-arrest bail by the
petitioner, namely, Binod Kumar Gupta, in connection with Civil
Lines Police Station Case No. 259 of 2013, corresponding to Trial
No. 427 of 2014, under Sections 135 of the Electricity Act.

Perused the above application and materials on
record including a copy of the order, dated 23.05.2014, passed, in
A.B.P. No. 22 of 2014, by the learned Special Court, Electricity,
Gaya, dismissing the said application for pre-arrest bail.

Heard Mr. Ramashish, learned Counsel for the
petitioner, and Md. Sufiyan, learned Additional Public
Prosecutor, appearing on behalf of the State.

It is submitted on behalf of the accused-petitioner that accused-petitioner will surrender in the Court of the learned Special Judge, Electricity, Magadh Range, Gaya, and would apply for bail and, hence, this application may be allowed to be withdrawn.

In view of the submissions made above, while disposing of this application as withdrawn, it is hereby, in the interest of justice, made clear that if the accused-petitioner applies for bail, on his appearance in the learned Court below, it would remain open to the learned Court below to consider his application for bail in the light of the law contained in this regard.

It is also made clear that since *charge sheet* has already been filed against the petitioner, he shall be, cordially, allowed to go on bail unless there is apprehension of his abscondence or his not appearing in the learned Court below at the time of trial.

Mkr./-

(I.A. Ansari, ACJ.)

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