

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7555 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -EKMA District- SARAN

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1. Shyam Narayan Prasad Son of Late Vishwa Nath Prasad resident of village - Rith, P.S. Ekma, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Asst. Electric Engineer, Electricity Board, North Bihar, Power Distribution Co. Ltd.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. M.K.Khare (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 17-03-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Ekma Police Station Case No. 10 of 2016, disclosing offences under Sections 135 of the Indian Electricity Act, 2007.

Allegedly, the petitioner was found running his flour mill without valid connection of electricity and, thus, committed theft of electricity. In the First Information Report, it has been alleged that said theft has caused loss to the North Bihar Power Distribution Company Limited to the tune of Rs. 4,64,891/-.



Learned Counsel appearing on behalf of the petitioner submits that the seizure was made on 10.12.2015; whereas the present First Information Report came to be registered on 15.01.2016, without any explanation for delay in lodging of the First Information Report. It has also been submitted that the petitioner is ready to pay the energy charge, electricity duty and the fixed charge, as calculated in the provisional assessment, which comes out to be Rs. 2,32,445/- within a period of four weeks from today without prejudice to the petitioner's right and contentions, which he may have in appropriate proceeding before any forum.

Considering the submission advanced on behalf of the petitioner, as aforesaid, this application is allowed.

Let the petitioner, Shyam Narayan Prasad, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Divya Prakash, Judicial Magistrate, 1st Class, Chapra, Saran, in connection with Ekma Police Station Case No. 10 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the

petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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