

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35447 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -SIDHWARA District- DARBHANGA

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1. Mithilesh Thakur @ Mithlesh Thakur S/o Chalitar Thakur R/o Kaligaon,
P.S.- Singhwara, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Saurav Singh S/o Ashok Kumar Singh, Junior Engineer, Electric Supply
Division, Singhwra, Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 17-09-2016 Heard the Counsel for the petitioner and Mr. M.

Dayal, APP for the State. No one has appeared on behalf of O.P.

No. 2.

The petitioner is facing prosecution under section
135 of the Indian Electricity Act vide Singhwara P.S. Case No. 36
of 2016.

Petitioner applied for electric connection. It is
alleged that on inspection, it was found that he was committing
theft of energy as energy was being utilized by hooking. In this
way, it is alleged that the opposite party no. 2 suffered loss in the
sum of Rs. 1,31,234/-.

It is submitted that the petitioner had applied for
connection and owing to the obstructive attitude of the authorities,

the line was not being supplied after affixing meter. The quantification made by the authorities in the F.I.R. is also incorrect, however, for securing the privilege of bail, he is ready to deposit part of the loss amount said to have been incurred.

Considering the facts and circumstances of the case, I direct that in the event of arrest or surrender in the Court below within five weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Kuldeep, J.M., Ist Class, Darbhanga in Singhwara P.S. Case No. 36 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(iii) Along with the bail bond, the petitioner shall produce

receipt showing deposit of a sum of Rs. 50,000/- in the office of Assistant Engineer, Electric Supply Division, Singhwara, Darbhanga or in the office of the informant Junior Engineer or with the Nazarat of the Civil Court. In case the amount is deposited in the Nazarat, the informant shall be entitled to withdraw the said amount subject to the final result of the case. The amount so deposited shall be without prejudice to the right and contention of the petitioner.

Pankaj/-

(Kishore Kumar Mandal, J)

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