

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34959 of 2016

Arising Out of PS.Case No. -460 Year- 2010 Thana -TAJPUR District- SAMASTIPUR

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1. Binod Kumar, son of Vishnudeo Mahto resident of Village- Pateypur
 Gopinath, P.S.- Pusa, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
 2. The North Bihar Power distribution company limited, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

07/ 07.12.2016 Heard learned counsel for the petitioner as well as
 learned counsel for the Bihar State Electricity Board.

Petitioner apprehends his arrest in connection with a
 case registered under sections 379, 405, 406, 415, 420 of the
 Indian Penal Code and various sections of the Electricity Act.

Petitioner happens to be manager of the concerned
 plant and admittedly, owner of the said plant has already been
 granted the privilege of anticipatory bail by a coordinate bench
 of this court vide order dated 23.02.2012 passed in Cr. Misc.
 no.5088/2012.

Learned counsel appearing for the Board submits
 that, as a matter of fact, proprietor of the said plant was granted
 privilege of anticipatory bail with condition that he should
 deposit arrears of energy charge within a period of two months



but the aforesaid dues has not been made as yet.

Perusal of annexure 2 to the petition goes to show that a coordinate bench of this court while granting privilege of anticipatory bail to proprietor Praveen Kumar Sinha @ Praveen Kumar @ Raju vide order dated 23.02.2012 passed in Cr. Misc. no.5088/2012 had never imposed any pre-condition for acceptance of bail bond of the aforesaid co- accused and, therefore, there is nothing on record to show that any condition was imposed on proprietor for grant of anticipatory bail to him.

Therefore, considering the aforesaid facts and circumstances as well as submissions of the parties and also with a view to keep parity of justice, let the petitioner, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Shaukash Chandra, Judicial Magistrate, Ist Class, Samastipur/ concerned court in Tajpur P.S. Case no. 460/2010 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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