

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47912 of 2016

Arising Out of PS.Case No. -80 Year- 2016 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Brijesh Yadav son of Bhola Yadav @ Bhola Raut Resident of village -
Checkpoint, Police Station - Bettiah Muffasil, District - West Champaran. At
present village and P.O. Dhumnagar, Kachahari Tola, Police Station -
Nauttan, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director, Electricity Department, North Bihar Power
Distribution Company.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad
For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh, APP
For the Electricity : Mr. Ajay Kumar Gautam

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 08-12-2016 Heard both sides.

The petitioner prays for anticipatory bail in Bettiah
Mufassil P.S. Case No. 80 of 2016 registered under Section 135 of
Indian Electricity Act 2003.

In substance, the allegation is that the junior engineer on
search, found that the petitioner were committing theft of
electricity illegally which caused financial loss to the Company in
the sum of Rs. 12,792/-.

Diverse submissions have been made on behalf of the
petitioner including that the petitioner being tenant of the shop



was using it bonafidely. However, it is submitted that for obtaining the privilege of bail, the petitioner would be ready and willing to deposit 50% of the loss amount as reflected in the First Information Report without prejudice to his right and contentions in the case.

In the facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in Bettiah Mufassil P.S. Case No. 80 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that:

- (i) One of the bailors shall be his own/close family member.
- (ii) The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.
- (iii) Along with the bail bonds, the petitioner shall produce receipt/document showing deposit of Rs. 6500/- in the office of the complainant/informant or the office of the North Bihar Power Distribution Company Ltd.



The payment so made, however, shall be without prejudice to his right and contentions in the case and abide by the final outcome of the case.

(Kishore Kumar Mandal, J)

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