

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36180 of 2016

Arising Out of PS.Case No. -197 Year- 2016 Thana -DIHRINAGAR District- SASARAM
(ROHTAS)

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1. Sudama Singh S/o Halkhori Singh, resident of Village- Prayag Bigha,
PS- Dalmianagar, district- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh
For the Opposite Party/s : Mr. Vinay Kirti Singh, Sr. Advocate

: Mr. Shrekant Sharan Singh, Advocate
For the State : Smt. Nirmala Kumari,APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 18-10-2016 Heard both sides.

The petitioner apprehends his arrest in Dihri Dalmianagar P.S. Case No. 197/2016, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code and 135 of the Electricity Act.

The informant alleged that when he went to inspect the electricity connection of the house of Rabindra Singh and Sudama Singh, they were found using electricity energy without any valid connection. The petitioner had no valid domestic connection and his connection was disconnected in the year 2013. Even then, the petitioner was found committing theft of electricity

energy. He was also running the motor for irrigation purpose and thereby the petitioner caused loss of Rs. 1,20,767/- and Rs. 1,46,818/- was lying due against the petitioner on the date of disconnecting the meter in year 2013. It is further alleged that the petitioner and others abused the informant and others and also threatened to kill them.

Learned counsel for the petitioner submits that all the allegations are false and concocted. Only some verbal altercation took place. There is a counter version. The wife of the petitioner filed Complaint Case No. 71c/2016. The petitioner is ready to deposit the entire amount i.e., Rs. 2,67,585/- within two months from the date of this order. It is further submitted that the petitioner undertakes to withdraw the complaint petition filed by his wife bearing Complaint Case No. 71c/2016. On similar allegation co-accused Rabindra Singh has already been granted anticipatory bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 37238/2016.

Sri Vinay Kirti Singh, learned senior counsel for the Company, however, opposed the prayer of anticipatory bail but at the same time admitted that on the similar allegation co-accused Rabindra Singh has already been granted anticipatory bail.

Considering the facts aforesaid and taking into

consideration the undertaking of the petitioner to deposit the entire amount within two months and also to withdraw the complaint case filed against the informant by the wife of the petitioner, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Dehri, Rohtas at Sasaram in connection with Dehri Dalmianagar P.S. Case No. 197/2016, corresponding to G.R. No. 368/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If the petitioner fails to deposit the entire amount i.e., Rs. 2,67,585/- within two months from the date of receipt of this order in the account of the South Bihar Electricity Supply Company Ltd., the learned court below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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