

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36206 of 2016

Arising Out of PS.Case No. -59 Year- 2013 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Suresh Singh, Proprietor (M/s Balaji Consultancy), Son of Bholu Singh,
Resident of Village- Jagdamba Market, Gurhatta, Police Station- Alamganj,
Patna City, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Electricity Board.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Sri Mustaque Alam, APP

For the B.S.E.B. : Mr. S. K. Giri , Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-12-2016 Heard learned counsel for the petitioner, Mr. S. K. Giri
appearing on behalf of Bihar State Electricity Board and the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 405, 406, 410, 415, 467, 472 and 120B
of the Indian Penal Code.

Allegation is that a contract/agreement was made
between petitioner and the Bihar State Electricity Board, Patna, for
installation of one phase and three phase meters and those were
installed. When inspection was made it was found that meters
were installed with infringement of contract/agreement.

It is submitted on behalf of the petitioner that he has got
no criminal antecedent. No allegation of tampering of witnesses is
alleged against petitioner. As per F.I.R., it is alleged that
specification as given in the contract regarding installation of
electronic and plain meters was not being followed by petitioner's
company. There is no allegation of misappropriation of any fund.



The Bihar Electricity Board ought to have filed a suit for specific performance of contract.

On behalf of the State, it is submitted that petitioner is named in the F.I.R. and he is not followed the guidelines made in the contract in respect to installation of the meters.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his/her arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Nagar P.S. Case no. 59 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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