

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23583 of 2016

Arising Out of PS.Case No. -17 Year- 2013 Thana -BISFI District- MADHUBANI

=====

Gulman Ahmad @ Gilman @ Glman Ahmad, son of Late Md. Idrish,
resident of Village-Bardaha, P.S.- Bisfi (Patauna), District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar Electricity Board, through M.D. Bidyut Bhawan, North Bihar
Power Distribution Company, Jawahar Lal Nehru Marg, P.S.- Kotwali,
Dstrict- Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Subhash Kumar Jha, Advocate
For the S t a t e : Ms. Indu Kumari Srivastav(APP)
For the Electricity Board : Mrs. Nivedita Nirvikar, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 17-09-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the Electricity Board.

Learned counsel for the State is present.

The petitioner is apprehending his arrest in connection
with Bishfi (Patauna) P.S. Case No.17 of 2013, corresponding to
G.R. No.228 of 2013, for allegedly having committed the
offence under Section 379/34 of the Indian Penal Code and
Section 135 of the Electricity Act.

Learned counsel for the petitioner submits that the
petitioner is a *bona fide* consumer of the Electricity Board and
has been regularly paying his electricity bills. Learned counsel

further submits that the raid was conducted in the absence of independent witness and there is also no signature of the independent witness on the seizure list. He further submits that the entire raid was conducted in violation of the basic principle of law as contained in Annexure 100 of the Cr.P.C. and also Section 135 of the Indian Electricity Act.

Learned counsel appearing for the Electricity Board, however, submits that the issue is of the year 2013 and chargesheet has been submitted long back showing the petitioner as an absconder as the petitioner has been evading the process of the Court. He further submits that the petitioner having not appeared in the court below does not deserve the benefit of anticipatory bail.

However, in view of the fact that the raid itself was conducted in utter violation of the settled provision of law as contained in the Statute and also because the petitioner is a *bona fide* consumer of Electricity Board and has been paying his electricity bill regularly, let 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, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount

each to the satisfaction of Shree R.K. Rajak, J.M. 1st Class, Benipatti, District-Madhubani, in connection with Bishfi (Patauna) P.S. Case No.17 of 2013, corresponding to G.R. No.228 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is, however, made clear that the petitioner shall appear in the court below and be present at all material dates to co-operate in the trial. It is further directed that he shall not abstain himself from the court on more than two consecutive dates. In case he does so, it is open for the prosecution to take appropriate course of law.

(Anjana Mishra, J)

PNM

U		T	
---	--	---	--