

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51749 of 2016

Arising Out of PS.Case No. -75 Year- 2015 Thana -JAYNAGAR District- MADHUBANI

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Ram Lochan Thakur , Son of Puran Thakur
Ram Udgar Thakur, Son of Puran Thakur
Both resident of Village Dullilpatti, P.S- Jainagar, District – Madhubani.
..... Petitioner/s

Versus

State of Bihar & Anr

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This is an application for grant of anticipatory bail for the
offences punishable under Section 135 of the Electricity Act.

Allegation against the petitioners is of illegal electricity
use causing loss of Rs. 2, 34, 320/- and Rs. 28,032/- respectively
to Government exchequer.

It has been submitted on behalf of the petitioners that the
amount levied for the said illegal use of electricity is quite huge
and the petitioners cannot bear to pay the said amount. However,
petitioners are ready to pay the 40 percent of the said amounts of
Rs. 2, 34, 320/-, Rs. 28,032/- respectively.

Heard learned counsel for the State and Power Holding
Company also.

Having heard both sides and in view of the fact that the



petitioners are ready to pay the forty percent of the alleged amount of Rs. 2, 34, 320/- and Rs. 28,032/-, with protest.

In view of the facts stated above, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within a period six weeks, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Madhubani, in connection with Jainagar P.S. Case No. 75 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Once the forty percent of above amount is paid, the provisional bail granted to the petitioners shall be confirmed by the learned Court below after verifying the receipts showing the payments made by the petitioners.

It is also made clear that the above amount to be paid by the petitioners shall be subjected to final assessment of the total loss of Government exchequer.

(Vinod Kumar Sinha, J)

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