

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42094 of 2017

Arising Out of PS.Case No. -89 Year- 2017 Thana -BACHWARA District- BEGUSARAI

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1. Sudhir Kumar Chaudhary, son of late Yoginder Goginder Chaudhary,
resident of village-Rasidpur, Konher, P.S. Bachhawara, District-
Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. North Bihar Power Distribution Company Ltd, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP
Mr. Padma Deo Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 12-10-2017

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in **Bachhawara P.S.**

Case No.89 of 2017 instituted for the offence under Section(s)
135 of the Indian Electricity Act.

It is alleged in the First Information Report that
during raid committed by the Informant, it was found that
petitioner was committing theft of electricity by connecting the
premises from main LT Line passing through mobile tower by
means of PVC wire.

Counsel for the petitioner has submitted that the
petitioner is Care Taker of the tower of M/s Bharti Airtel and
getting salary of Rs.4100/-. It is further submitted that for



running mobile tower, three phase line is essential, whereas, it is mentioned in the First Information Report itself that only one phase line was passing through the main line and in that event running of mobile tower from one phase line can never be possible. Counsel for the petitioner has further submitted that the police has found in para 22 and 23 of the case diary that solar plant was established within the area of mobile tower.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Bachhawara P.S. Case No.89 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Begusarai**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or



the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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