IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52382 of 2017

Arising Out of PS.Case No. -177 Year- 2017 Thana -SOHSARAI District- NALANDA (BIHARSHARIFF)

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1. Binod Yadav S/o Mewa Lal Yadav, R/o Village/Moh. 17 No. Talabpur, P.S.- Sohsarai, District- Nalanda.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Lal Babu Keshari
For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner as well as the State.

The petitioner apprehends his arrest in Sohsarai P.S. Case No. 177/2017 instituted for the offences under Sections 420, 467, 468 of the Indian Penal Code and Section 135 of the Electricity Act.

It is alleged against the petitioner that he was running 5 HP motor in his flour mill by committing electric theft, on account of which Electricity Department suffered loss of Rs. 3,31,008/-.

Learned counsel for the petitioner has submitted that the seizure list has been enclosed with the bail petition, wherein it has been mentioned that 10 ft. three phase wire has been seized from the premises of the petitioner. From the written report, it appears that informant has alleged that Electricity Department suffered loss of Rs.

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3,31,008/-. This Court does not find any supporting document, on the basis of which aforesaid loss has been calculated by the Electricity Department.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Sohsarai P.S. Case No. 177/2017, he shall be released on anticipatory 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 Chief Judicial Magistrate, Nalanda at Biharsharif, subject to the conditions as laid down under Section 438(2) of the 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 tamper 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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