

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58586 of 2017

Arising Out of PS.Case No. -145 Year- 2017 Thana -NAWANGAR District- BUXAR

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1. Brija Singh @ Brij Kumar Singh, S/o Bir Bahadur Singh,
2. Munna Singh S/o Shivji Singh, Both R/o Village- Pabarpur, P.S.-
Nawanagar (Basudeva O.P.), District- Buxar (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Power Holding Company, Bihar through the managing Director of
the South Bihar Power Distribution Company Limited, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.
For the Opposite Party : Mr. Sri Kant Sharan Singh, Advocate.
Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Nawanagar (Basudeva
O.P.) P.S. Case No. 145 of 2017 instituted for the offence under
Section-135 of Electricity Act.

It is alleged in the written report that the petitioners were
found running motor of 3 H.P. by using Toka in low potential line and
due to such electricity theft, South Bihar Power Distribution Company
Ltd. suffered a revenue loss of Rs. 1,17,220/-. It is further mentioned in
the written report that due to mob, no seizure of the wire and other
materials could be made from the spot.

As such, from the written report itself, it is apparent that no
seizure list was prepared. Mere vague and omnibus allegation has



been levelled in the written report.

Counsel appearing for Electricity Board opposed the prayer.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Nawanagar (Basudeva O.P.) P.S. Case No. 145 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Buxar subject to condition as laid down u/S 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) petitioners 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 petitioners and (3) if petitioners 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 petitioners.

(Sanjay Priya, J)

A.K.V./-

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