

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55436 of 2017

Arising Out of PS.Case No. -198 Year- 2013 Thana -KARAKAT District- SASARAM (ROHTAS)

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1. Bhagawan Sah S/o Atwaru Sah
2. Madan Paswan S/o Gupteshwar Paswan Botbh resident of Village-
Bardiha, P.S.- Karakat, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Power Holding Company Limited Bailey Road, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey
For the Opposite Party/s : Mr. Shri Kant Sharan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Karakat P.S. Case No.
198 of 2013 instituted for the offence under Section-379 of the Indian
Penal Code and 135 of Electricity Act.

It is alleged in the written report that petitioners were found
committing theft of electricity by fixing Toka.

It has been submitted on behalf of the petitioners that
petitioners were bona fide consumers of electricity. They all had got
connection under BPL category. The relevant papers have been
annexed as Annexure-2 series.

Counsel for Electricity Board has appeared and 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 Karakat P.S. Case No. 198 of 2013 to the satisfaction of learned Sub Divisional Judicial Magistrate, Bikramganj, Rohtas 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)

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