

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29809 of 2017

Arising Out of PS.Case No. -56 Year- 2017 Thana -NAWADA District- NAWADA

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Md. Aslam Khan, son of Late Md. Jakir Khan, Resident of Mohalla - Ansar Nagar, Near Khan Colony, P.S. - Nawada, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. South Bihar Power Distribution Co. Ltd. through the Executive Engineer (Electrical), Nawada, P.S. Nawada, District - Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate.

For the Opposite Party/s : Smt Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 2 07-07-2017 Heard learned counsel for the petitioner and the State.
- The petitioner apprehends his arrest in Nawada Town P.S. Case No. 56 of 2017 instituted for the offence under Section 135 of the Bihar Electricity Act.
- Learned counsel for the petitioner has submitted that he is ready to deposit Rs.17,616/- in the electricity department and, thereafter, he will make payment of dues amount of Rs.2,46,609/- in equal installment of Rs.10,000/- per month.
- In such circumstances, the application is disposed off with a direction to the petitioner to surrender in the court below along with receipt showing payment of Rs.17,616/- to the electricity department within four weeks and, then the court below



will enlarge the petitioner on provisional anticipatory bail in the event of surrender/arrest of the petitioner, named above, in connection with Nawada Town P.S. Case No. 56 of 2017, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Electricity), Magadh Area, Gaya, 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.

The petitioner is directed to deposit remaining dues amount every month in installment of Rs.10,000/-. The installment will be payable by 15th of every month and after making full payment of the dues amount of Rs.2,46,609/- and furnishing no dues certificate from the electricity department, the provisional bail granted to the petitioner will be confirmed by the court below.



It is made clear that if the petitioner does not surrender before the court below with receipt showing payment of first installment of Rs.17,616/- within a period of four weeks or the petitioner commits default in making payment of single installment, the court below will be at liberty to pass appropriate order including cancellation of provisional bail granted to the petitioner.

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(Sanjay Priya, J)

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