

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44845 of 2017

Arising Out of PS.Case No. -266 Year- 2017 Thana -BODHGAYA District- GAYA

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1. Jitendra Singh, Son of Late Ram Swarath Singh, Resident of Village-Kolhaura, P.S.- Bodhgaya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Electric Executive Engineer, Electric Supply Division, Gaya, (Rural).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 31-10-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Bodh Gaya P.S. Case No. 266 of 2017 instituted for the offence under Section-135 of the Electricity Act.

It has been submitted that the petitioner is a bona fide consumer of South Bihar Power Distribution Company Ltd. The alleged raid has been committed by India Power Corporation Ltd. Counsel for the petitioner has submitted that he has been making payment of electricity bill regularly in South Bihar Power Distribution Company Ltd. The petitioner has annexed the receipt dated 17-05-2017 issued in support of payment of electricity bill. The inspection report of India Power Corporation Ltd has been annexed with the FIR wherein it has been alleged that total loss of Rs. 52219/- was made to electricity



department.

This court finds that general and bald statement has been made in the inspection report without any valid calculation.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his 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 Bodh Gaya P.S. Case No. 266 of 2017 to the satisfaction of learned Special Judge, Electricity, Magadh Area, Gaya 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) 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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