

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3090 of 2017

Arising Out of PS.Case No. -160 Year- 2016 Thana -SURSAND District- SITAMARHI

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Bharat Prasad, son of late Jamuna Prasad, r/o village & P.S. Sursand, Distt. Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Electricity Board, Patna, now North Bihar Power Distribution Company Ltd. & others, vidut Bhavan, Baily Road, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Electricity : Mrs. Archana Sinha @ Archana Shahi, Adv.

For the Opposite Party/s: Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-01-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks anticipatory bail in a case instituted for the offence under Section 135 of the Electricity Act.

It is alleged that the electricity connection of the petitioner was disconnected on 18.2.2016 on account of previous dues of Rs.60,254/-. Thereafter, a raid was conducted by the department and the petitioner was found committing electricity theft by putting toka. The electricity department assessed the theft committed by the petitioner to the tune of Rs.7,790/-. The electricity department has started prosecution for total dues amount of Rs.68,044/-

The petitioner has submitted that he comes in the category of below poverty line and he is handicap also.



In such circumstances, the petitioner is directed to make payment of Rs.30,000/- in six equal installments within a period of six months and on filing receipt of deposit of 1st installment in the lower court, he will be released on provisional bail by the court below. The petitioner is directed to surrender in the lower court within a period of four weeks making payment of 1st installment of 5,000/- rupees and, thereafter, he will continue to make payment of remaining installment by end of each and every month till final payment of Rs.30,000/-. After payment of Rs.30,000/-, the court below will confirm the provisional bail granted to the petitioner.

It is made clear that in the event the petitioner does not surrender within four weeks along with the receipt showing the deposit of 1st installment of Rs.5,000/- or the petitioner makes single default in making payment of installments in any month, the court below will be at liberty to pass order in accordance with law and cancel the bail bonds of the petitioner.

The petitioner will also cooperate in the Assessment Proceedings in the electricity department and the final payment will be subject to the final decision in the case.

It is expected that the electricity department will receive the amount as ordered by this Court when the petitioner



goes to deposit the same.

With aforesaid observation and direction, the application stands disposed off.

S.Ali/-

(Sanjay Priya, J)

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