

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13077 of 2018

Arising Out of PS.Case No. -134 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Om Prakash Gupta, S/o Bindeshwari Prasad, R/o Southern Side form Kuari
Devi Chowk, Kolarwa, P.S.- Town, District- Motihari.

.... Petitioner

Versus

1. The State of Bihar.
2. Sri Sunil Ranjan Kumar (Junior Engineer), S/o Sri Chandrama Kuar,
Resident of Basant Bihar Haribatika Chauk, P.S.- Muffasil Beliah, at
present Junior Engineer Electricity, Electric Supply Division, Motihari.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 05-04-2018 Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with Town
P.S.Case No. 134 of 2015 registered for the offences punishable
under Section 135 of Bihar Electricity Act.

Allegation against the petitioner is of committing theft of
electric energy and causing loss to the tune of Rs.24,975/-.

Submission of learned counsel for the petitioner is that he
has already raised the dispute before the Consumer Forum as
wrong billing has been done and, as such, he has prayed for
anticipatory bail. However, after some argument learned counsel
for the petitioner has submitted that petitioner is ready to deposit



the said amount in instalments if this Court permits subject to result of this case.

Heard learned counsel for the South Bihar Power Distribution Company Limited, who has no objection to the offer made by the petitioner.

Having heard both sides and in the facts and circumstances, this application is disposed of with a direction to petitioner to deposit Rs.10,000/- before the court below within one month, which is payable to the N.B.P.D.C.L. and once he deposits the same, the learned court below will release him on provisional bail and thereafter petitioner will continue to deposit the rest amount in two equal instalments in first week of the every following months. Once the total amount is deposited, learned court below will confirm his bail bond and the aforesaid deposit of amount shall be subject to the result of the case. It is made clear that in case of default in payment of any instalment, the court below is free to pass other order(s) as he may deem fit and proper.

(Vinod Kumar Sinha, J)

spa/-

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