

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35093 of 2018

Arising Out of PS.Case No. -39 Year- 2013 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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1. Santu Sao, S/o Shatrughan Sao, Resident of Village- Paparनाusa, P.S.-
Noor Sarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunny Kumar, Assistant Electric Engineer, Electricity Supply Division,
Bihar Sharif (Rural), Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1
For the Opposite Party No2 : Mr. Vinay Kirti Singh, Sr. Adv.
Mr. Vijay Kumar verma, Adv.
Mr. Akhileshwar Singh,
Fro the State : A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-07-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with
Noor Sarai P.S.Case no.39 of 2013 , registered for offences
punishable under Section 135 of the Electricity Act.

Allegation against the petitioner and other accused persons
is that by putting 'toka' he was using the electricity, thus causing
loss of Rs.50,000/- to the Company.

Submission of the learned counsel for the petitioner is that
in this case a latter has been written by the Assistant Electrical
Engineer to the I.O. that the name of the petitioner has mistakenly
been mentioned in the FIR, which will appear from Annexure-2 of
the petitioner.



Heard learned A.P.P. and the learned counsel for the South Bihar Power Distribution Company Ltd.. He has also accepted the fact that name of the petitioner has mistakenly been mentioned in the FIR..

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nalanda, Bihar Sharif in connection with Noor Sarai P.S. Case No.39 of 2013, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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