

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19412 of 2017

Arising Out of PS.Case No. -690 Year- 2016 Thana -SIWAN CITY District- SIWAN

1. Sunit Saurabh &
2. Shambhu Yadav

.... Petitioners.

Versus

The State of Bihar & Anr

.... Opposite Parties.

Appearance :

For the Petitioners : Mr. Raj Narayan Mishra

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

15 09-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Siwan Town P.S. Case No. 690 of 2016 instituted for the offence under Section-135 of the Electricity Act.

It is alleged in the written report that the raiding party reached at Tower of Tata Tele Services near Naya Quila, Ashi Nagar Adda No. 1 and found that theft of electricity is being done by connecting Toka. The total load sanction was found to be 6.6 KW in commercial category. The Electricity Department has assessed the loss amounting to Rs. 6,28,330/- on account of such electricity theft.

Counsel for the petitioner has submitted that petitioners were not present at the time of alleged raid. They are not employee of the Tata Tele Services. They are employees of PACE Power System Pvt. Ltd. in support of which, they have filed Annexure-4 series which is the appointment letter of petitioner No. 1 and pay slip of petitioner



No. 1 and 2. Such statement has also been made in paragraph-9 of the bail petition.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their 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 in Siwan Town P.S. Case No. 690 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Siwan 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) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason, will liable to cancel bail bond of the petitioners and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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