

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35174 of 2017

Arising Out of PS.Case No. -287 Year- 2017 Thana -BODHGAYA District- GAYA

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1. Nusrat Bano Wife of Md. Nayeem Uddin, Resident of Village-Miyan Bigha, at and P.S.-Bodh Gaya, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. The India Power Corporation (Bodh Gaya), Limited

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 08-01-2018

Heard learned counsel for the petitioners and the State.

The petitioner apprehends arrest in Bodh Gaya P.S. Case No. 287 of 2017 instituted for the offence under Section-135 of the Electricity Act, 2003.

It has been submitted that inspection was made by a private person but he is not an employee of the Electricity Department. He has made allegation that meter of petitioner was found to be tampered and Electricity Department suffered a loss of Rs. 2,84,783/-

From the written report itself, it appears that no complaint has been lodged by the competent authority of Electricity Department.

Counsel for opposite party No. 2 has appeared and submitted that he has been authorized by the Electricity Department under the agreement to make inspection.

This court is not satisfied with such submission as the



inspection of the meter can only be done by authorized person and not by a private person after entering into agreement with Electricity Department.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of her 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 Bodh Gaya P.S. Case No. 287 of 2017 to the satisfaction of learned Special Judge (Electric), 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 her absence on two consecutive dates without proper and reasonable reason will be liable to cancel her bail bond 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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