

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38277 of 2018

Arising Out of PS. Case No.-102 Year-2016 Thana- NARHAT District- Nawada

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Ayodhya Prasad @ Ayodhya Rawat, Son of Sadhu Sharan Raut, resident of
Awagil, P.S. Narhat, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The South Bihar Power Distribution Company Ltd through its Assistant Engineer, Electric Supply Section, Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nand Kishore Prasad Sinha, Advocate
For the Informant	:	Mr. Vinay Kirti Singh, Sr. Advocate, Mr. Vijay Kumar Verma, Mr. Akhileshwar Singh, Advocate
For the Opposite Party/s :		Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 03-07-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Narhat P.S. Case
No. 102 of 2016, instituted for the offence under Sections 379
of the IPC and Section 135 of the Electricity Act.

It is alleged in the written report that petitioner was
found running flour mill and using electricity in the aforesaid
flour mill illegally by connecting toka. Electricity Department
has suffered loss of Rs. 2,64,192/- on account of aforesaid theft
of electricity. The seizure list was prepared.

Learned counsel for the petitioner submit that he has no
any flour mill as alleged in the written report. It has been further
submitted that domestic electricity connection was in the name



of the father of the petitioner.

Learned counsel for the Electricity Department has submitted that he has only annexed receipt of payment of Rs. 1959/- in the name of his father. This does not go to show electricity connection is in the name of father of this petitioner.

This court does not want to go into all these disputed questions of the fact. The petitioner is directed to pay an amount of Rs. 50,000/- within four weeks to the Electricity Department. After producing the receipt of the payment of aforesaid Rs. 50,000/- within four weeks from the date of receipt of the order, the court below will release the petitioner on provisional anticipatory bail on his surrender/arrest for a period of one year on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to its own satisfaction, subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions (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 absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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.

Thereafter, petitioner will make payment of remaining amount in twelve installments within a period of twelve months and after depositing the entire amount in electricity department and producing valid receipt the provisional bail of petitioner shall be confirmed.

Aforesaid payment made by the petitioner will be subject to final decision of the case.

It is made clear that in the event, petitioner fails to surrender with valid receipt showing payment of Rs. 50,000/- or make default in making payment of single installment, the court below will pass appropriate order in accordance with law including cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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