

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59400 of 2018

Arising Out of PS. Case No.-41 Year-2017 Thana- RAGHOPUR District- Supaul

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Jitendra Yadav @ Jitendra Kumar Yadav S/o Shiv Narayan Yadav, R/o Vill.-
Hulas (Banarjhula), P.S.- Raghopur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. North Bihar Power Distribution Company Limited.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Adv.
Mr. Agreya Pratap, Adv.
For the Opposite Party/s : Mr. Upendra Kumar
Mr. Kunal Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his
arrest in connection with Raghopur P.S. Case No. 41 of 2017
registered for offences under sections 135 of the Bihar
Electricity Act, 2003.

An allegation has been made that the petitioner is
running a flour mill using 10 HP motor. An inspection was made
and found that the petitioner was using the power stealthily
causing loss of an amount of Rs.4,64,891/- to the Power
Distribution Company.

Learned counsel for the petitioner submits that



only 42 days before, the transformer was installed and power was supplied and it is not expected that in 42 days, there will be a loss amounting Rs. 4,64,891/-.

Let the petitioner should deposit half of the aforesaid amount in three equal installments within a period of three months and if he succeeds in the trial, the same will be adjusted against the future bill which will be finally settled by the authority concerned. In the event the excess amount is paid by the petitioner, either that will be adjusted in future bill or the money will be paid to the petitioner.

If the petitioner deposits the first installment within a period of four weeks from today, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Birpur (Supaul) in connection with Raghapur P.S. Case No. 41 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the



privilege of grant of anticipatory bail shall be deemed to have been canceled.

It is made clear that the provisional bail granted today to the petitioner will be confirmed only after deposit of all the three installments within a period of three months from today, in failure, the provisional bail granted today will be deemed to have been canceled.

(Shivaji Pandey, J)

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