

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15034 of 2018

Arising Out of PS.Case No. -423 Year- 2017 Thana -SHEKHPURA District- SEKHPURA

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Pappu Kumar @ Shashikant Kumar, son of Nageshwar Mahto, resident of
Mohalla- Ahiyapur, P.S. and District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chairman, South Bihar Power Grid Corporation, Vidyut Bhawan,
Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate.

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-04-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Sheikhpura**
P.S. Case No. 423 of 2017 instituted for the offence under Section
379 of the Indian Penal Code and Section 135 of Indian Electricity
Act.

It is alleged in the written report that during course of
raid conducted by the informant, the petitioner was found
committing theft of electricity by hanging *toka* and caused loss of
Rs.53,366/- to the electricity department. It is further alleged that
the wire used for Toka was recovered. Thereafter, the seizure list
was prepared.

This Court does not find any mention in the written



report the basis on which the Electricity Department came to the conclusion that it has suffered loss of Rs.53,366/-.

Supplementary affidavit has been filed on behalf of the petitioner wherein he has stated that raid has been conducted in another premises on the same day wherein the demand has been made for Rs.4,376/- only, whereas from this petitioner, demand has been made for Rs.53,366/-. In paragraph-3 of the supplementary affidavit it is mentioned that petitioner is an employee of Southern Eastern Railway working as Design Technical-1st in Adra (West Bengal) and he was on duty on 6.11.2017 and 7.11.2017.

Learned counsel for the petitioner has submitted that prior to the aforesaid written report, he has already applied for electricity connection on 10.10.2017. He has been granted electricity connection on 27.11.2017. Those documents have been enclosed as Annexure-2 and 4.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Sheikhpura P.S. Case No. 423 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of learned **Chief Judicial Magistrate, Sheikhpura**, subject to the conditions as laid down under Section 438 (2) 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his 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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