

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64659 of 2018

Arising Out of PS. Case No.-304 Year-2018 Thana- AMARPUR District- Banka

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Sri Niwash Sharma @ Niwash Sharma, Son of Late Parshura Sharma,
Resident of Village- Mahadeopur, P.S. Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The South Bihar Power Distribution Company Ltd through Chairman Cum Managing Director.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s : Mr. Sri Jai Narain Thakur

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in a case registered

for the offences punishable under Sections 135 of Electricity

Act.

The accusation agaisnt the petitioner is that he was

found using illegally electricity energy for running his floor mill

causing loss to the electricity department to the tune of

Rs.359624.00/-

Submission on behalf of the petitioner is that the

informant lodged this case without doing preliminary

measurement as per section 126 of the Electricity Act and,



moreover, the petitioner, without admitting the prosecution case, is ready to deposit 20% amount in question.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in Amarpur P.S. Case No. 304 of 2018 subject to condition as laid down under Section 438(2) of the Cr.P.C.

However, further condition is that petitioner shall deposit 20% amount in question within six weeks from today to the Electricity Department and if petitioner does so, the Electricity Department shall issue receipt thereof which shall be produced by the petitioner before the court below, failing which the court below shall be at liberty to cancel the bail bonds of the petitioner.

N.K/-

(Hemant Kumar Srivastava, J)

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