

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13218 of 2018

Arising Out of PS.Case No. -235 Year- 2017 Thana -NARHAT District- NAWADA

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1. Bholu Chaudhary S/o Prabhu Chaudhary, R/o Jarhiya, P.S.- Sitamarhi,
District- Nawada, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. South Bihar Power Distribution Company Limited Magadh Area, Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-04-2018 Heard the parties.

The petitioner seeks anticipatory bail in connection with Narhat (Sitamarhi) P.S.Case No. 235 of 2017, registered for offences punishable under Section 135 of Electricity Act, 2003 and under Section 379 of the Indian Penal Code.

Allegation against the petitioner is of committing theft by hooking three phase L.T. lines connecting to 5 H.P. motor and thereby caused loss of Rs. 176956/- only to the South Bihar Power Distribution Co. Ltd.

Submission of the learned counsel for the petitioner is that the petitioner has been falsely implicated in this case and there is no quantity of electric theft inserted by the prosecution. It



is also submitted that at the time of alleged F.I.R., the petitioner was in Gujrat where he was working as a labourer. However, it is also submitted that still the petitioner is ready to deposit 50% of the aforesaid amount.

Heard the learned A.P.P. and learned counsel for SBPDCL, who opposed the prayer for bail.

Having heard both sides and in view of the facts and circumstances discussed above, let the petitioner, above named, surrender before the court below within a period of eight weeks from today and on surrender alongwith bank draft of 50 % of the amount in favour of SBPDCL, he will be released on provisional bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Electricity Magadh Area, Gaya in connection with Narhat (Sitamarhi) P.S.Case No. 235 of 2017, subject to the conditions as laid down under Section 438 (2) of Cr.P.C. and the rest of the said amount will be deposited in five equal installments in five months, which shall be payable in first week of each month. Failure to deposit any installment, his bail bonds shall be cancelled.

It is also made clear that once the total amount is deposited, his bail bond shall be confirmed and above payment



shall be subject to the result of the case.

With the aforesaid, this application is accordingly disposed of.

(Vinod Kumar Sinha, J)

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