

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26713 of 2018

Arising Out of PS.Case No. -19 Year- 2018 Thana -NAWADA MUFFASIL District- NAWADA

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1. ALAKHDEO PRASAD SINGH @ ALAKHDEV SINGH, son of late Nathuni Singh, resident of village-Bharosa, P.S.-Muffasil, District-Nawada.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the State : Mr. Manoj Kumar, APP
For SBPDCL : Mr. Shrekant Sharan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 17-05-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Nawada (Muffasil) P.S. Case No.19 of 2018** instituted for the offence under Section(s) 341, 323, 307, 504, 353, 201/34 Indian Penal Code and Section 135 of the Indian Electricity Act.

It is alleged in the written report that raid was conducted in the premises of the petitioner and the petitioner was found using electricity bypassing the meter. It is alleged in the First Information Report that on account of such bypass Power Company has suffered loss to the tune of Rs.2,74,635/-. It is also alleged in the First Information Report that videography of the



occurrence was also done.

Counsel for the petitioner submits that he is a bonafide consumer. He has earlier deposited the electric bill. He has further submitted that no liberty was given to him to explain about the loss, which is claimed by the Power Company. It is further submitted that he is ready to deposit rupees one lac in four installments subject to final decision of the case.

In such circumstances, this application is disposed off with direction to the petitioner to surrender before the Court below i.e. **Additional District Judge-cum-Special Judge, Electricity, Magadh Area, Gaya**, in connection with **Nawada (Muffasil) P.S. Case No.19 of 2018**, within a period of four weeks from the date of receipt of copy of this order along with valid proof of payment of first installment i.e. rupees twenty thousand with Power Distribution Company Ltd. and, in that event, the petitioner shall be released on provisional anticipatory bail for a period of six months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court below itself, 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.

Thereafter, the petitioner will make payment of the balance amount i.e. rupees seventy five thousand in three equal installments. After payment of the entire amount i.e. rupees one lac, provisional bail of the petitioner will be confirmed.

In the event, the petitioner does not surrender with valid receipt showing payment of first installment or commits default in making payment of single installment, the Court below will be at liberty to pass appropriate order in accordance with law including cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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