

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21107 of 2019

Arising Out of PS. Case No.-278 Year-2018 Thana- RAJAOLI District- Nawada

Upendra Singh, aged about 60years (Male), Son of Late Siyaram Singh,
Resident of Village - Amawan, P.S.- Rajauli, District - Nawada (Bihar).

... .. Petitioner

Versus

1. The State of Bihar.
2. The South Bihar Power Distribution Company Ltd. through its Junior Er.,
Electricity Board Section, Gaya.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Sanjeet Kumar Singh, Advocate.
For the State	:	Mr.Chandra Bhushan Prasad, A.P.P.
For the O.P. No. 2	:	Mrs. Archana Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no. 2.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 379 of the IPC and 135 of
Indian Electricity Act.

The prosecution story, in brief, is that the petitioner
was running a Flour Mill by illegal connection from L.T. Line
and due to this act, South Bihar Power Distribution Company
Limited has incurred loss of Rs. 3,47,458/-.

It has been submitted by learned counsel for the
petitioner that the petitioner has been made accused in the



present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no substantive evidence to suggest the implication of the petitioner in the present case. It has further been submitted on behalf of the petitioner that the petitioner is ready to deposit 25% of demand amount i.e., Rs. 3,47,458/- (Rupees Three Lacs Forty Seven Thousand Four Hundred and Fifty Eight Only) in the learned court below which will be subject to final result of the case within a period of eight weeks from today.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, petitioner is directed to deposit 25% of the demand amount i.e., Rs. 3,47,458/- (Rupees Three Lacs Forty Seven Thousand Four Hundred and Fifty Eight Only) in the learned court below within a period of eight weeks from today which will be subject to final result of the case. On doing so, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Special Judge, Electricity Court, Gaya, in connection with Rajauli P.S. Case No. 278 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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