

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29365 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- BHARGAMA District- Araria

DEO NARAYAN YADAV @ DEB NARAYAN YADAV, Son of Shree
Hukum Lal Yadav Resident of Village - Musharnia, Post - Mannulahpatti,
P.S.- Bhargama, Distt.- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Electricity Board Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur
Mr. Binod Kumar
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-05-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of Bhargama P.S. Case No. 15 of 2019 (G.R. No. 112 of 2019), disclosing offences punishable under Sections 135 and 138 of the Electricity Act, 2003.

The petitioner was running a flour mill. Allegedly, he was found committing theft of electricity for the said purpose. The electricity connection was discontinued for the said flour mill on 17.03.2018. However, in course of raid on 09.01.2019, the petitioner was found committing theft of electricity.

It appears from the First Information Report that a



sum of Rs. 81,806/- was due to paid by the petitioner as on the date of disconnection on 17.03.2018. Allegedly, because of the criminal misconduct of theft of electricity, the Bihar Power Distribution Company Limited, has suffered a loss of revenue to the tune of Rs. 3,46,366/-. The petitioner is, thus, required to pay to the Company a total sum of Rs. 4,28,172/-.

Learned counsel, appearing on behalf of the petitioner, has submitted that the amount of loss caused to the Company as disclosed in the First Information Report is exaggerated. He has also submitted that the petitioner shall pay the total amount of dues to the tune of Rs. 81,806/- and 60 per cent of the amount i.e. Rs. 3,46,366/- to the Company within two weeks from today. He has further submitted that so far rest of the dues is concerned, he shall take appropriate remedy.

Considering the submission so advanced on behalf of the petitioner, this application is allowed.

Let the petitioner, above-named, in the event of his surrender before the Court below after two weeks but before six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand), with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No. 15 of 2019,



subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is indicated that any payment made by the petitioner as undertaken on his behalf shall be subject to final adjudication of his claim and shall not prejudice in any manner the case of the parties.

(Chakradhari Sharan Singh, J.)

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