

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66090 of 2018

Arising Out of PS. Case No.-374 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)

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Anand Kesari @ Anand Prasad Kesari, Son of Ramji Prasad Kesari, Resident of Village + P.O.- Kauri Ram, P.S. Mohania, District- Kaimur (Bhabhua).

... .. Petitioner.

Versus

1. The State Of Bihar.
2. The South Bihar Electricity Corporation Limited.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Sumeet Kumar Singh, Advocate.
For the State	:	Mr. Akbar Ali, A.P.P.
For the O.P. No.2	:	Mr. Shrekant Sharan Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 12-03-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the opposite party no.2.

The petitioner apprehends his arrest in connection with Mohania P.S. Case No.374 of 2018 registered under Sections 379 of the Indian Penal Code besides Section 135 of the Electricity Act, 2003.

The accusation is that in course of checking by the officials of the Electricity Department, illegal electric connection was found at the residential house of the petitioner for running the welding machine, drilling machine etc. As such, due to illegal consumption of the electric power by the



petitioner, the Electricity Department suffered loss of Rs.1,87,608/-.

Learned counsel appearing for the petitioner submits that in the house of the petitioner, there is domestic connection in the name of Sunil Kumar, the brother of the petitioner, but the petitioner has falsely been implicated in this case. Moreover, the petitioner is ready to pay Rs.1,87,608/-, on protest, within four month in three installments.

Learned counsel appearing for the opposite party no.2 has no objection in allowing the pre-arrest bail of the petitioner in case of payment of Rs.1,87,608/- by the petitioner in three installments within four months in the concerned Electricity Department.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Mohania P.S. Case No.374 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C., with further condition that the petitioner shall furnish



the receipt of 1/3rd payment of Rs.1,87,608/- in the concerned Electricity Department before the court below. If the petitioner fails to make payment of the rest amount of Rs.1,87,608/- in the concerned Electricity Department within four months and furnish the receipt in respect thereof in the court below, the trial court would be at liberty to cancel the pre-arrest bail of the petitioner.

(Rajendra Kumar Mishra, J)

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