

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54317 of 2019

Arising Out of PS. Case No.-198 Year-2019 Thana- GIRIYAK District- Nalanda

Rajiv Ranjan Kumar (Male-33 Years) son of Late Jatan Singh @ Jitan Singh Resident of Pokharpur, P.S.- Giriyak, District- Nalanda

... .. Petitioner

Versus

1. The State of Bihar

2. The Assistant Engineer Electricity Supply Division Nalanda District Nalanda Bihar

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Bhavesh Kumar, Mr. Jitendra Kumar, Advocates
For the State	:	Dr. Indihar Kumari, APP
For Opp. Party No. 2	:	Mr. Ajay Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioner, learned APP for the State as well as learned counsel for the opposite party no. 2.

2. The petitioner apprehends his arrest for the offences alleged under Section 135 of the Electricity Act registered in connection with Giriyak P.S. Case No. 198 of 2019.

3. It is submitted that the petitioner has been falsely implicated on the accusation that electricity was illegally being consumed in his ice-cream factory bypassing the electric meter thereby causing loss of Rs. 1,78,145/- to the South Bihar Power Distribution Company Limited. Without prejudice to the submission, the petitioner expresses his readiness to ensure payment of 50% of the aforesaid amount of the alleged loss within one week from today. Statement is made at the Bar that the provisional assessment contemplated under Section 126 of the Electricity Act, 2003 has not been made as yet and the petitioner undertakes to make payment of the amount demanded as and when such provisional assessment is made within a further period of two weeks hereof.

4. Learned APP assisted by learned counsel for the South Bihar Power Distribution Company Limited appears and opposes the petition.



5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within four weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Bihar Sharif, Nalanda in connection with Giriyak P.S. Case No. 198 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

6. The provisional bail granted to the petitioner shall be confirmed by the learned court below upon verification within a period of four weeks after furnishing bail bond, that the petitioner shall make payment legally as undertaken by him as aforesaid. In case the petitioner fails to ensure payment as aforesaid, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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