

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56567 of 2019

Arising Out of PS. Case No.-310 Year-2013 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RANDHIR KUMAR @ RANDHIR KUMAR PASWAN S/o Kamal Paswan
R/o Village- Silaut Pokhraise, P.S.- Mufasil Samstipur, District- Samastipur
... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Bihar State Electricity Board, Now NBPDC Bihar, Patna Bihar
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Kant Mishra
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Samastipur Mufassil Police Station Case No. 310 of
2013, disclosing offences under Section 135 of the Electricity
Act.

The allegation against the petitioner, as per the First
Information Report, is that upon raid, the raiding party found
that the petitioner was using unauthorizedly electricity by
hooking wire from L. T. Line.

Learned Counsel for the petitioner, at the outset,
submits that the Police has granted bail to the petitioner and the
petitioner is at present on police bail.

After having heard learned Counsel for the parties



and taking into consideration the law laid down by this Court, in the cases of **Mahendra Prasad Singh v. The State of Bihar**, reported in **2004 (3) PLJR 491** and **Ram Vilas Singh v. The State of Bihar**, reported in **2008 (3) PLJR 253**, this application, for anticipatory bail, is not maintainable inasmuch as this Court has held that since the case was initially for non-bailable offences wherein the petitioner was taken into custody and then released on bail by the police, an application for anticipatory bail on the ground that he has an apprehension of arrest in the same case cannot be held to be maintainable and petitioner must honour the terms of police bail and appear before the Court without any delay.

Accordingly, this application is disposed of with the direction that the petitioner shall appear before the Court below within a period of five weeks, the Court below shall consider his prayer for bail in accordance with law keeping in view the well established principle that a person who is already on bail shall not be denied such privilege unless there is any allegations of misuse of the same.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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