

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5279 of 2019

Arising Out of PS. Case No.-126 Year-2013 Thana- GAMAHARIYA District- Madhepura

Sunil Yadav @ Sunil Kr. Yadav, son of Mahendra Yadav, Resident of Village-
Koriyar, P.s-Gamharia, District-Madhepura.

... .. Petitioner

Versus

1. The State of Bihar.
2. North Bihar Power Distribution Company,

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Dinesh Prasad Verma, Advocate
For the NBPDC	:	Mr. Deepak Kumar AC to Mrs. Nivedita Nirvikar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner and learned
counsel representing the North Bihar Power Distribution
Company.

Petitioner in the present case is seeking anticipatory
bail in connection with Gamharia P.S. Case No. 126 of 2013
registered for the offences punishable under Section 135 of the
Electricity Act.

Learned counsel for the petitioner submits that the
allegations of consuming the electricity by committing theft is
false and frivolous but the petitioner is willing to deposit 50% of
the assessed loss of Rs. 3,91,000/- for the purpose of grant of
anticipatory bail subject to the final outcome of the Police Case.

On the other hand, learned counsel appearing for the
North Bihar Power Distribution Company submits that this case



is of the year 2013 and the police has submitted a charge-sheet showing the petitioner absconder. It is submitted that once the petitioner has been shown as absconder and charge-sheet has been filed, the petitioner cannot claim the privilege of anticipatory bail in the facts of the present case.

It is submitted that the offer which is being made to deposit 50 % of the assessed loss amount may be made before the court below when the petitioner surrenders and prays for regular bail.

In the given facts and circumstances of the case, while this Court is not willing to grant privilege of anticipatory bail to the petitioner, this Court would direct that in case the petitioner surrenders and prays for regular bail within three weeks from today and offer to deposit 50% of assessed loss amount, his prayer for bail shall be considered by the court below on the same day and shall be disposed of considering the entire materials available on the record including the offer of the petitioner.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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