

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58353 of 2019**

Arising Out of PS. Case No.-66 Year-2019 Thana- AMBA District-
Aurangabad

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ARJUN KUMAR @ ARJUN PASWAN S/o Etwaru Paswan R/o village-
Kasauti, P.S.- Amba, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Abhishek Kumar S/o Sawali Ram R/o village- Dayalpur, P.S.- Janta Bazar,
District- Saran, At present posted as Assistant Electric Engineer, Vidut
Apurti Branch, Kutumba, Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate.
For the O.P. No. 2 : Mr. Ajay Kumar Gautam, Advocate.
For the State : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 188 of the Indian Penal Code and Section
135 of Bihar Electricity Act registered in connection with Amba
P.S. Case No. 66 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in connection with alleged theft of electricity as the
petitioner failed to take a commercial connection for the general
store running in his house. At the outset learned counsel for the
petitioner expresses his readiness to deposit of Rs. 65,535/- by



way of loss assessed to have been caused to the Power Company, in instalments.

4. Learned counsel for the Power Company appears and has been heard.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six 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 Special Judge (Electricity), Magadh Area, Gaya in connection with Amba P.S. Case No. 66 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That the petitioner shall deposit the total amount of Rs. 65,535/- in the Court below in three equated monthly instalments, of which the first instalment shall be paid on or before 15th October, 2019, which shall abide by the final result of the trial.

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

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

(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.

(v) 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.

6. The provisional bail shall stand confirmed upon deposit of the entire amount by the petitioner within the stipulated period. It is made clear that default in making payment of two consecutive instalments shall result in automatic cancellation of bail bond of the petitioner.

(Vikash Jain, J)

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