

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79087 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- KASHICHAK District- Nawada

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Anita Devi, Wife of Vinod Prasad Resident of Village-Bhatta, P.S.-Kashichak,
District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. S.B.P.D.C. through it's Assistant Electric Engineer, Warsaliganj, P.S-
Warsaliganj, District-Nawada. Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar Sinha, Advocate
For the State	:	Mr.Bharat Bhushan, APP
For SBPDC	:	Mrs. Nivedita Nirvikar, Advocate
		Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking anticipatory bail
in connection with Kashichak P.S. Case No. 23 of 2019,
registered for the offence punishable under Section 379 of the
Indian Penal Code and Section 135 of Bihar Electricity Act,
2003.

Allegation has been made that the petitioner has
committed theft of electricity from L.T. Line and due to which,
the Electricity Department has incurred loss of Rs.5, 11, 253/-.

Counsel for the petitioner further submits that the



petitioner is ready to deposit 35 percent of Rs.5,11,253/- in three installments, but the first installment should be deposited by the petitioner within a month and rest amount would be deposited in the same gap.

Let no coercive action be taken against the petitioner in connection with the aforesaid case till one month from today as she undertakes that she will deposit the first installment in the office of South Bihar Power Distribution Company Limited.

The court below is directed to release the petitioner on **provisional anticipatory bail**, subject to the condition that he will produce the receipt with respect to deposit of first installment amount, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Special Judge (Electricity), Magadh Area, Gaya in connection with Kashichak P.S. Case No.23 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioner will deposit all the outstanding dues within the stipulated period as stated hereinabove, the court below would make the provisional bail absolute.

In failure to deposit the same within the aforesaid



period, the provisional anticipatory bail granted to the petitioner will be treated to have been cancelled.

However, it is made clear that if the petitioner challenges the bill, the authority under the Electricity Act, 2005 will consider the same and take decision in accordance with law.

If the petitioner succeeds in the case, then the South Bihar Power Distribution Company Limited will return the same with interest.

(Shivaji Pandey, J)

V.K.Pandey/-

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