

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6119 of 2020

Arising Out of PS. Case No.-10 Year-2019 Thana- GAIGHAT District- Muzaffarpur

RAMBABU SAHANI Son of Tapeswar Sahani Resident of Village - Susta
Tok, P.S.- Gaighat (Benibad O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

THE ASSISTANT ELECTRICAL ENGINEER NORTH BIHAR POWER
DISTRIBUTION CO. LTD., TIRHUT AREA, MUZAFFARPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Dr.Anand Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 135 of the Indian Electricity Act, 2003 registered in connection with Gaighat P.S. Case No. 10/2019.

3. It is submitted that the petitioner has been falsely implicated on the allegation of having committed theft of electricity, bye-passing the metre issued as domestic consumer and using electricity for commercial purpose for running mobile tower. In any event the petitioner expresses his readiness to make good the alleged loss of Rs. 3,45,076/- to the opposite party in instalments.

4. Learned counsel for the opposite party appears and has been heard.

5. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof 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, North Bihar Power Distribution Company Ltd. Tirhut Area, Muzaffarpur in connection with Gaighat P.S. Case No.



10/2019 subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That 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 co-operate 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.

(iv) 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.

(v) That the petitioner shall make payment of the entire amount of Rs. 3,45,076/- to the opposite party in three monthly instalments of Rs. 1,00,000/- each and the remaining amount of Rs. 45,076/- within the following month. The first instalment shall be paid latest by the end of this month.

6. The provisional bail granted to the petitioner shall be confirmed upon payment of the entire amount of R. 3,45,076/- within the stipulated time, failing which his bail bond shall stand automatically cancelled by the learned Court concerned.

Chandran/-

(Vikash Jain, J)

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