

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16572 of 2020

Arising Out of PS. Case No.-145 Year-2019 Thana- CHAKAND District- Gaya

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Pramod Sao @ Pramod Kumar @ Pramod Kumar Saw, S/o Keshwar Sav@
Keshwar Sao, R/o village- Bara, P.S.- Chakand, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chairman, South Bihar Power Distribution Company Ltd. Bihar, Patna Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Deepak Kumar, Adv.
For the State	:	Mr.Ajay Kumar Jha, APP
For the O.P. No. 2	:	Mr. Shree Kant Sharan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-09-2020 Heard the parties through the virtual court proceeding.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 135 of the Electricity Act.

Prosecution case is that as per FIR, on the basis of statement made by Manoj Singh, Assistant Engineer, Electric Supply, Sub Division, Gaya alleging that on 14.11.2019 got secret information about theft of electricity and made raid about 1.05 hours in the campus of Pramod Sao, who was operating Aata Chakki Mill by toka, during the course of enquiry 5 H.P./3.37 K.V.L.T.I.S. cadre, due to theft, South Bihar Distribution Company Ltd., have revenue loss worth Rs.



3,13,996/-, hence FIR has been lodged u/s 135 of the Indian Electricity Act, 2003.

Learned counsel for the petitioner submits that the seizure list has not been prepared in the presence of the independent witnesses, rather it has been prepared in the presence of staff of the informant. From perusal of the FIR, it will be evident that the father of informant is consumer of the electricity bearing Consumer No. 2272020971. The case was adjourned on 15.07.2020 for the instruction of the petitioner that the petitioner is ready to deposit the said amount or not. Today, learned counsel for the petitioner submits that the petitioner is ready to deposit Rs. 3,13,996/- in 12 installments of Rs. 26,167/- per month. Learned counsel for the Electricity Board agreed to the terms and conditions. Let the petitioner deposit 1st installment of Rs. 26,167/- The petitioner has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory



bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Electricity) Magadh Area, Gaya in connection with Chakand P. S. Case No. 145 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 26,167/- of the 1st installment.

The petitioner is directed to deposit the rest 11 installments within 11 months. In case, the petitioner fails to deposit the installment for two consecutive months, the court below would be at liberty to cancel the bail bond.

The said deposit of the amount shall remain subject to the final outcome of the case pending in the court below.

(Anjani Kumar Sharan, J)

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