

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86170 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- HATHAURI District- Samastipur

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ARVIND KUMAR CHOUDHARY @ ARVIND CHOUDHARY Son of
Avadhesh Kumar Choudhary Resident of Village - Rahiyar Ward No. 4, P.S.-
Hathouri, Distt - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. North Bihar Power Distribution Company Ltd. Patna. Bihar
3. Assistant Electrical Engineer, Electric Supply Division, Rosera Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-01-2020 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Hathouri P.S.Case No.121 of 2019 dated 31.8.2019 registered for offences punishable under Sections 135 of the Electricity Act, 2003.

Allegation against the petitioner is of committing theft of the electricity by taking lines from the poles.

Submission of the learned counsel for the petitioner is that the allegation is false , there was no agreement between the petitioner and the Electricity Board and the BTS tower is not of the petitioner and he has raised question about the assessment.

On the other hand the learned counsel for the North Bihar



Power Distribution Company Ltd. has opposed the prayer for bail on the ground that there was agreement between the father of the petitioner and the company and they were found committing theft of the electricity.

Heard learned A.P.P. also.

Having heard both sides and considering the submissions as made above this application is disposed of with direction that if the petitioner is ready to pay 50 % of the amount in four installment and surrenders within a period of six weeks along with the bank draft of Rs.02 lac in faovur of the North Bihar Power Distribution Company Ltd., he shall be released on provisional bail in connection with Hathouri P.S.Case No121 of 2019 dated 31.8.2019 for a period of period of three months and during that period, he has to deposit rest of the amount in three equal installments in second week of each month, otherwise his bail bod shall be cancelled.

It is also made clear that once the total amount is deposited, the provisonal bail of the petitioner shall be confirmed.

It is also made clear that petitioner is at liberty to challenge the assessment of the fine as alleged by the Electricity Board before the appropriate authority who will consider the



same and will pass appropriate order on the same .

The above deposit shall be without prejudice to the case of the petitioner and will be subject to final outcome of the case.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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