

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28638 of 2020

Arising Out of PS. Case No.-42 Year-2020 Thana- CHANDAUTI District- Gaya

=====

GARIVAN SHARMA @ GARIVAN MISTRY Son of Late Dilchand Mistry
Resident of Village - Kaldaspur, P.S. - Chandauti, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP.

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-01-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Chandauti PS Case No. 42 of 2020 registered under Section 135 of Electricity Act, 2003.

The allegation is that the petitioner was running a Motor and Hauler Mill with an illegal three phase line. The officer of the Electricity Department have found this during a raid of the premises. The revenue loss caused to the department has been assessed to the tune of Rs. 3,20,044/-.

Learned Counsel for the State submits that the seizure list shows that motor was also running at the premises in question.

Learned Counsel for the petitioner submits that without prejudice to the rights of the petitioner to contest the allegation at the trial the petitioner would be depositing 50% of the amount



outstanding within one month. The petitioner thereafter would be depositing the remaining amount in installments spread over another two months.

In view of the said undertaking recorded in the order the prayer of the petitioner for grant of anticipatory bail is allowed provisionally. After three months the Court of Special Judge shall enquire the matter, and if the payment schedule is adhered to provisional bail of the petitioner may be confirmed. In case of failure, the court below shall be at liberty to pass appropriate orders, which may include cancellation of the provisional bail granted to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge (Electricity) Magadh Area, Gaya in Chandauti PS Case No. 42 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

