

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28591 of 2020

Arising Out of PS. Case No.-65 Year-2019 Thana- PHULWARISHARIF District- Patna

RAJESH KUMAR @ KAMLESH RAY Son of Surunga Ray Resident of
Village - Janipur, Tola Mohanchak, P.S.- Phulwarisharif, District - Patna.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-01-2021 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Phulwarisharif P.S. Case No. 65 of 2019 registered
for the offences punishable under Section 135 of Electricity Act, 2003.

Learned counsel for the petitioner submits that as per
allegation three HP motor was being used by the petitioner and as
such a theft of electricity energy was made and caused loss of
Rs.1,55,184/- to the Electricity Department.

Learned counsel for the petitioner has submitted that for
the present the petitioner is ready to deposit the amount of
Rs.1,55,184/- (one lakh fifty five thousand one hundred and eighty
four only) which has been levied against him, in four installments.
Learned counsel for the petitioner submits that the petitioner may be
granted liberty to deposit the amount in the installments, as prayed for,
it is difficult for him to arrange the money in one go.



Learned counsel representing the State does not oppose the application in view of the submissions made.

In the given facts and circumstances of the case, let in case of his arrest or surrender the petitioner above-named within a period of four weeks from today in connection with Phulwarisharif P.S. Case No. 65 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, P.E.S.U., Patna, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the



name of verification.

And further condition that in terms of his own statements and assurance and offer made before this Court, the petitioner shall deposit the first installment of Rs.40,000/- (forty thousand only) at the time of submission of bail bond and thereafter he will pay rest of the three installments within an interval of 30 days between first, second and third installments meaning thereby that entire three installments shall be paid in equal monthly installments from the date of submission of bail bond.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

