

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40182 of 2021**

Arising Out of PS. Case No.-216 Year-2020 Thana- SABAUR District- Bhagalpur

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Dinesh Mandal Son Of Late Kullay Mandal Resident Of Village- Jaykhet,
P.O.- Goradih, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard Mr. Manoj Kumar, learned counsel for the
petitioner and Mr. Satyendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Sabour Goradih P.S. Case No. 216 of
2020 registered for the offence punishable under Section 135 of
the Electricity Act. He has got one criminal antecedent as stated
in paragraph '3', though in the petition it is not stated that he is
on bail in the said case but on repeated query, learned counsel
for the petitioner has informed this Court that the petitioner is
on bail in the case stated in paragraph '3'.

Learned counsel for the petitioner submits that the



allegation against the petitioner is that he was using electricity by illegally connecting the LT wire with the motor in the industrial premises at Bhagalpur. A total of Rs. 1,04,949/- has been assessed as a revenue loss. There is also an outstanding amount of Rs.1,12,570/- against the petitioner on account of his consumption earlier which he did not pay as a result whereof his electricity line was disconnected.

Mr. Manoj Kumar, learned counsel for the petitioner submits on instruction that the petitioner is ready to deposit a sum of Rs.40,000/- for the present without prejudice to his rights and contentions in the present case and after his release on bail he would deposit a further sum of Rs.1,25,000/- within 6 months. It is submitted that the deposits will be made without prejudice.

Learned APP for the State is present and submits that the prayer for bail of the petitioner may be considered keeping in view the assurance being given on behalf of the petitioner with regard to the deposit of the amount.

Having regard to the facts and circumstances of the case, taking note of the submissions advanced on behalf of the petitioner particularly his offer to deposit Rs.40,000/- while submitting the bail bond and a further sum of Rs.1,25,000/-



within 6 months after his release, this Court is inclined to direct release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour Goradih P.S. Case No. 216 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that while submitting the bail bond, proof of deposit of Rs.40,000/- with the office of the informant/power company as the case may be shall be produced and further the petitioner shall pay the rest amount of Rs.1,25,000/- without prejudice within 6 months from the date of his release failing which it will be open for the informant to take appropriate steps for cancellation of bail of the petitioner. The informant will be further at liberty to realise the total payable amount in accordance with law and so far as this order is concerned, it will not be taken as any opinion of this Court on the demand raised by the power company.

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.

This 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'.

