

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64116 of 2021**

Arising Out of PS. Case No.-42 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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AMBER ALAM Son of Md. Anwar Alam Resident of Village - Jitwarpur
Chauth, P.s.- Mufassil, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chairman, North Bihar Power distribution Company Limited, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate.
For the Informant : Dr. Anand Kumar, Advocate.
For the State : Mr.Ajay Kumar No. 2, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioner seeks anticipatory bail in connection with Muffasil P.S. Case No. 42 of 2020, registered for the offence under Section 135 of Bihar Electricity Act.

The main submissions advanced by learned counsel for the petitioner is that as per the prosecution's allegation petitioner was found using electric in illegal manner and a loss of Rs. 1,09,497/- is stated to be revenue loss of the Electricity Department but in fact the said allegation is completely false. It



is further submitted that due to wrong electricity bill he has given a written application on 15.3.2017 to Electrical Engineer, Samastipur to rectify the bill but the same has not been done. Further submission is that despite of sufficient materials being against the prosecution's allegation, petitioner is ready to deposit 50% amount of total alleged loss of government in three installments in the Court below and rest amount will be subject of the trial.

Learned APP as well as learned counsel appearing for the Electricity Department has opposed the prayer of bail and submitted that petitioner should be directed to deposit the entire revenue loss of electricity department in the Court below in installments.

Having considered the above submissions and petitioner's defence as well as his willingness to deposit the 50% of the total revenue loss in three installments, let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned court in connection with Muffasil P.S. Case No. 42 of 2020, subject to the conditions as laid down under Section



438(2) of Code of Criminal Procedure.

Further on this condition that the petitioner shall deposit 25% of the total revenue loss of electricity department as mentioned in the FIR at the time of submitting bail bond and 25% amount will be deposited by him in two installments after the gap of one month and totaling in two months and the rest amount will be subject of the out come of the trial.

(Shailendra Singh, J)

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