

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16175 of 2023

Arising Out of PS. Case No.-268 Year-2016 Thana- KISHUNPUR District- Supaul

JAYRAM YADAV S/O Sanichar Yadav R/O Village- Murli, P.S- Kishanpur,
District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. North Bihar Power Distribution Co. Ltd.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Patla Kumari, Advocate
For the Opposite Party/s	:	Mr.Nagendra Prasad, APP
For NBPDC	:	Mr. Rajan Prakash, Advocate
	:	Dr. Anand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 Heard the learned counsel for the petitioner and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Kishanpur PS case no. 268 of 2016,
registered for the offences punishable under Section 135 of
Indian Electricity Act, 2003.

The allegation is regarding theft of electricity by
the petitioner and the loss assessed by the Electricity Company
totals upto a sum of Rs. 3,41,036/-, which came into light after a
raid was conducted by the raiding team of North Bihar Power
Distribution Company, on the alleged date and time of
occurrence at the *Ata Chakki* mill of the petitioner.



The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted by referring to Annexure 2 to the present petition that the police, upon investigation, has found the allegations levelled by the Electricity Company to be false, however, the learned court below has differed from the same and taken cognizance against the petitioner under Section 135 of Indian Electricity Act, 2003, nonetheless, in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs. 1 lac with the Electrical Executive Engineer, Electric Sub Division, Supaul.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the police has submitted final form in the present case and in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs. 1 lac, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, however, subject to the petitioner



submitting the proof of deposit of a sum of Rs. 1 lac with the Office of Electrical Executive Engineer, Electric Sub Division, Supaul, before the learned trial court, within a period of six weeks from today.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Supaul in connection with Kishanpur PS case no. 268 of 2016, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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