

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36969 of 2023

Arising Out of PS. Case No.-442 Year-2022 Thana- GOPALPUR District- Bhagalpur

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Bobie Mandal @ Bobi Mandal S/O Late Ram Prasad Mandal R/O Vill.
Navtoliya, PS. Bhimdas Tola, Dist. Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. South Bihar Power Distribution Company Limited, Regd Office 2nd Floor,
Vidyut Bhawan, Bailey Road, Patna through Assistant Engineer, Electricity
Supply Division, Sub-Division, Naugachia, Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the SBPDCL	:	Mr. Akhileshwar Singh, Asst. Counsel to Vinay Kirti Singh
For the State	:	Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-10-2023 Heard Mr. Bhola Prasad, learned counsel for the

petitioner, Mr. Akhileshwar Singh, AC to Vinay Kirti Singh

learned counsel appearing on behalf of the SBPDCL and Mr.

Tarun Prasad Mandal learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Gopalpur (Rangra) P.S. Case No. 442 of 2022,
F.I.R. dated 01.09.2022 registered for the offences punishable
under Section 135 of the Electricity Act.

3. Allegation against the petitioner is that in course of
checking it was found that the petitioner has hanged toka in the
wire of South Bihar Power Distribution Company Limited and
has used 7.5KW/LTISID due to which loss of Rs. 3,34,777/- has



been done to SBPDCL and also he has not paid arrear of Rs. 15,623/- which was also due against the petitioner and thus total due on petitioner is Rs. 3,50,040/-.

4. Learned counsel for the petitioner outrightly submits that the petitioner is ready to pay the total amount in question of Rs. 3,50,040/- subject to the result of the case. He further submits that he will pay Rs. 1,00,000/- at the time of furnishing bail bond by way of demand draft in favour of South Bihar Power Distribution Company Limited and the rest amount of Rs. 2,50,040/- will be deposited in six equal instalments every month starts from November, 2023.

5. Learned counsel for the South Bihar Power Distribution Company Limited has no objection in this regard.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 442 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other following conditions :-

(i) Let the petitioner deposit Rs. 1,00,000/- by way of demand draft in favour of South Bihar Power Distribution Company Limited at the time of furnishing bail bond and rest amount of Rs. 2,50,040/- shall pay in six equal installments also by way of demand draft in favour of South Bihar Power Distribution Company Limited and the learned Court below is directed to hand over the demand draft to learned counsel for the South Bihar Power Distribution Limited or his representative. If the petitioner fails to pay any instalment, the opposite party no. 2 (SBPDCL) shall be at liberty to move for cancellation of bail before the competent court.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(iii) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) 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.

(Rajesh Kumar Verma, J)

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