

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40247 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- FORBESGANJ District- Araria

=====

GULFARAJ @ GULFARAJ ALAM S/O MD. SHAFIQUE ALAM Resident
of village- Baura (Musapur), Ward No- 02, P.S.- Korha, District- Katihar,

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha,Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha,APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 16-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Forbesganj (Simraha) P.S. Case No. 263 of 2022 for the
offence registered under Sections 379 and 411 of the Indian
Penal Code.

In this case, the informant has alleged that upon
knowledge of illegal theft of electricity, the premises of one
Gopal Yadav was raided and it was found that this petitioner is
having a scrap shop established in the said house and is
consuming illegal electricity by committing mischief with the
electric wires and electric meter and some electric goods were
also recovered from the scrap.

Learned counsel for the petitioner submits that



although recovery part has been shown in the FIR, no seizure list is there. He however, submits that irrespective of the outcome of the present petition and/or accepting the present allegation, he on its own would like to pay a sum of Rs. 15,000/- to the Electric City Supply Section, Aurahi, Forbesganj, District-Araria through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials. Further submission is that he would be cooperating in the investigation.

Learned APP for the State, on the other hand, submits that in the case of illegal use of electricity although he concedes that neither the amount has been totalled nor the FIR shows any seizure as alleged in the FIR.

Taking into account the aforesaid facts as also the fair submission made by learned counsel for the petitioner, this Court is inclined to extend the relief of anticipatory bail to him subject to payment of Rs. 15,000/-, as stated above with conditions:

- (i) the petitioner shall cooperate in investigation;
- (ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Araria in connection with Forbesganj (Simraha) P.S. Case No. 263 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

U		T	
---	--	---	--

