

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59634 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- CIVIL LINE District- Gaya

VIJAY KUMAR son of Kishori Prasad Mohalla- G.B Road Near Kedar Nath
Market Ps- Civil Lines Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Junior Electricity Engineer, Electrical Supply, Sub Divisional New Area
Gaya Sri Om Prakash Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate Mr. Satya Veer, Advocate
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP
For the O.P. No.2	:	Mr. Ajay Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and learned
APP for the State and learned counsel for the Electricity
Department.

2. The petitioner apprehends his arrest in connection
with Civil Lines P.S. Case No. 79 of 2023, for the offence
registered under Section 135 of the Indian Penal Code lodged
on 03.02.2023 by the informant, Om Prakash.

3. As per the prosecution story, the Junior Engineer of
the Electrical Supply Division, Gaya alleged power theft against
the petitioner and as per the allegation, the total amount comes
to Rs.4,14,661/-.

4. Learned counsel for the petitioner submits that an



F.I.R. has been lodged despite the fact that he is a bona fide consumer but will now have to face the case. In that background, without accepting the allegation and /or the amount that has been shown against him, he is ready to make payment of Rs.4,14,661/- whereafter he will approach the Electricity Department for correction of bill so that the amount is returned.

5. It is his further submission that the amount is huge and as such he may be allowed to make payment as follows :-

(i) Rs. 1,14,661/- at the time of the execution of bail-bond;

(ii) Rs. 50,000/- each for the next six months, beginning November, 2023 which will be paid to 'the Department' by Draft issued by the local State Bank of India by 10th of every month which will come to end on 10th of April, 2024.

6. Though the learned counsel appearing for the Electricity Department submits that the petitioner has been accused of power theft, in view of the fact that he has made an undertaking to return the entire amount, he does not oppose the prayer for grant of anticipatory bail.

7. In that view of the matter, this Court is inclined to extend the privilege of anticipatory bail to the petitioner subject



to the undertaking given by him which include payment of Rs. 1,14,661/- at the time of execution of bail bond followed by Rs.50,000/- each for the next six months ending April, 2024.

8. In the aforesaid circumstances 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Electricity), Magadh Area, Gaya, in connection with Civil Lines P.S. Case No. 79 of 2022, subject to condition as mentioned above and subject to further condition as laid down under Section 438(2) of the Cr.PC with further condition that :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide.

(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 in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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