

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70873 of 2022

Arising Out of PS. Case No.-796 Year-2022 Thana- MADHEPURA District- Madhepura

Kapildeo Kumar, Son of Udish Prasad Yadav, R/o Village- Madhuban Turkahi, Ward No.06, P.S.- Madhepura (BHARRAHI O.P.), District- Madhepura.

... .. Petitioner/S

Versus

1. The State of Bihar.
2. North Bihar Power Distribution Company Ltd, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Rina Sinha, APP
For the N.B.P.D.C Ltd. :	Dr. Anand Kumar, Advocate
	Mr. Rajan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2023 Heard learned counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel appearing on behalf of North Bihar Power Distribution Company Ltd. Patna.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 796 of 2022 registered for the offences punishable under Sections 341, 323, 353, 384, 504, 506/34 of the Indian Penal Code and 135 of Electricity Act.

The allegation against this petitioner is to commit



theft of electricity and also to misbehave with government officials on duty. It is further alleged thereof that due to said theft loss of Rs. 3,23,908/- was caused to M/s North Bihar Power Distribution Company Ltd.

It is submitted by learned counsel appearing on behalf of the petitioner that payment as regard to electricity bill is cleared up to last month and it is not convincing by any stretch of imagination that the bill of such high amount could be generated in the back ground of theft of electricity. However, it is submitted that petitioner is ready to pay 50% of Rs. 3,23,908/- in four monthly installments to M/s North Bihar Power Distribution Company Ltd., Madhepura Division. It is also pointed out that petitioner never involved in this type of act in past. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Heard learned APP and learned counsel appearing on behalf of M/s. North Bihar Power Distribution Company Ltd. It is submitted by learned counsel appearing on behalf of company that petitioner at least to deposit 50% of the theft amount.

Considering the aforesaid facts and circumstances, petitioner is ready to deposit Rs. 50% of Rs. 3,23,908/- i.e. Rs. 1,61,954/- in four equal monthly installments to M/s. North



Bihar Power Distribution Company Ltd., where first installment of Rs. 40,488.50/- be deposited at the time of furnishing of bail bond, let above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura/concerned Court, where the case is pending in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 796 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further condition that any breach to deposit monthly installment shall be liable to cancellation of bail of above named petitioner by learned Trial Court itself, if so pressed.

(Chandra Shekhar Jha, J)

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