

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74821 of 2022

Arising Out of PS. Case No.-430 Year-2021 Thana- JAKKANPUR District- Patna

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UMESH KUMAR SINHA Son of Late Krit Narayan Prasad Resident of Krit Narayan Bhawan Road No.- 5 Sanjay Nagar, P.S.- Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Assessment Officer-Cum-junior Electrical Engineer Electrical Supply Branch, Ashok Nagar, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms.Usha Kumari Singh, Advocate
For the Opposite Party/s	:	Mr.Amitesh Kumar, APP
For the O.P. No.2	:	Mr.Shrekant Sharan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner, learned counsel for the O.P. No. 2 and Mr. Shrekant Sharan Singh, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Spl. Case No. 1389/21 (arising out of Jakkanpur P.S. Case No. 430/2021) registered for the offences punishable under Sections 341, 323, 353, 379, 504, 506/34 of the Indian Penal Code and 35 of the Electricity Act. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant reached at the place of occurrence on the information that one



person namely Brajesh Kumar, against whom there was a dues of Rs. 21,939/-, using electricity from his disconnected meter due to which a loss of Rs. 67,820/- had occurred. When the informant inquired about this from the persons there, they became angry and started abusing and assaulting the raiding party.

The allegation against him is that he was committing theft of electricity and in course of raid when the inquiry was being conducted by the employees of the electricity company, the family members of the petitioner threw stones upon them.

Learned counsel representing the informant-opposite party no. 2 has opposed this application, however, his submission is that if the petitioner deposit at least 50% of the amount involved in the present case he will have no objection in granting privilege of pre-arrest bail to the petitioner subject to result of the case.

Having regard to the aforementioned submissions, this Court directs that in the event of his arrest or surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, PESU



Area, Patna in connection with Spl. Case No. 1389/21 (arising out of Jakkanpur P.S. Case No. 430/2021), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Subject to further condition that while submitting his bail bond the petitioner shall make available a bank draft of 50% of Rs. 89,759/- in the name of the Power Company, which is said to be the loss amount of the informant-Opposite Party No. 2. The deposit shall be made without prejudice to the rights and contentions of the petitioner and subject to the outcome of the criminal case.

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.

(Rajeev Ranjan Prasad, J.)

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