

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20476 of 2024

Arising Out of PS. Case No.-1 Year-2021 Thana- BISHUNPUR District- Darbhanga

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DHRUV KUMAR JHA SON OF NAGENDRA KUMAR JHA RESIDENT
OF VILLAGE - PANCHOBH, P.S. - BISHANPUR, DISTRICT -
DARBHANGA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE N.B.P.D.C.L. THROUGH ITS JUNIOR ENGINEER, ELECTRIC
SUPPLY DIVISION, DISTRICT - DARBHANGA HANUMAN NAGAR,
DISTRICT - DARBHANGA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Shivendra Kumar Sinha, Advocate
For the Opposite Party/s :	Mr.Sanjay Kumar Tiwary, APP
For the NBPDCCL :	Dr. Anand Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 Heard Mr. Shivendra Kumar Sinha, learned counsel

for the petitioner, the State and Dr. Anand Kumar representing

the North Bihar Power Distribution Company Limited.

2. The petitioner is apprehending arrest in connection
with Bishanpur P.S. Case No. 01 of 2021 instituted under
Section 135 of the Indian Penal Code lodged on 9.1.2021 by the
informant, Pankaj Kumar.

3. As per the prosecution story, the informant has
alleged that upon raiding the house of the petitioner on
8.1.2021., it was found that electricity was continuing despite
disconnection in August, 2018 and as such theft of Rs.



3,63,664/- was committed by the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits he being a tenant, had left the place and the last due amount 12,868/- has been paid by him. It is submitted that he had left for Mumbai for his livelihood and had no information that an FIR has been lodged.

5. Learned counsel appearing on behalf of the Corporation on the other hand submits that he cannot exonerate himself of the charges of using the electricity illegally to the tune of Rs. 3,63,664/-. He submits that for grant of his anticipatory bail, at least he should pay 50 per cent of the total amount i.e. Rs. 1,81,832/- of Rs. 3,63,664/-.

6. Learned counsel for the petitioner submits that he not being a well off person, may be allowed to pay the same in two installments inasmuch as at the time execution of bail bond, he shall be paying Rs. 1,00,000/- and within a period of 30 days will clear rest Rs. 81,832/-.

7. Taking into account the fair submission on behalf of the parties and in view of the undertaking given by the learned counsel for the petitioner that he shall be paying the half of the amount, FIR lodged, ultimately will have to face the trial,



he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Bishanpur P.S. Case No. 01 of 2021 to the satisfaction of learned Judicial Magistrate-1st Class, Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the following conditions.

(i) he shall be paying Rs. 1,00,000/- by Demand Draft issued by the local branch of the State Bank of India in the name of North Bihar Power Distribution Company Limited;

(ii) from the date of execution of bond within 30 days, he has to submit another draft of Rs. 81,832/- in the name of North Bihar Power Distribution Company Limited;

(iii) failure to do so, Company shall be free to take recourse for cancellation of his bail bond;

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



(v) 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 bail bond by the Trial Court itself;

(vi) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(vii) 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 the bail bonds;

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

8. The anticipatory bail application is allowed with the aforesaid observation.

(Rajiv Roy, J)

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