

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20949 of 2024

Arising Out of PS. Case No.-780 Year-2023 Thana- BODHGAYA District- Gaya

Raj Singh S/O Shailendra Singh @ Shaulendra Singh, R/O Village Rajput Tola, Amba, PS- Bodhgaya, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar.
2. Suman Kumar S/o Bhairav Prasad, R/o vill - Madhuwan, P.O. - Madhuwan, P.S. - Madhuwan, Distt. - East Champaran, presently posted as Junior Electrical Engineer, Electric Supply Division, Bodhgaya (Town), Distt .- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar, Advocate
For the OP No. 2	:	Mr. Ajay Kumar Gautam, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Shailesh Kumar, the learned counsel for the petitioner, Mr. Ajay Kumar Gautam, the learned counsel for the opposite party no. 2 and Mr. Yogendra Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bodhgaya PS Case No. 780 of 2023, FIR dated 04.10.2023, registered for the offence punishable under Section 135 of the Indian Electricity Act.

3. According to prosecution case, upon receiving secret information, the informant raided the premises of the petitioner and found that despite having a valid electricity



connection, the petitioner was consuming illegal electrical energy. It is further alleged that in the same premises there is an additional domestic connection in the name of Shailendra Singh on which there is an outstanding amount is Rs. 2,76,293/- (Rupees two lakhs seventy-six thousand two hundred and ninety-three) and fine of Rs. 39,162/- (Rupees thirty-nine thousand one hundred and sixty-two) causing a loss of Rs. 3,15,455/- (Rupees three lakhs fifteen thousand four hundred and fifty-five) to the South Bihar Power Distribution Company Limited.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is ready to deposit fifty percent of the fine amount, i.e., fifty percent of Rs. 39,162/- (Rupees thirty-nine thousand one hundred and sixty-two), which equals to Rs. 19,581/- (Rupees nineteen thousand five hundred and eighty one) to the South Bihar Power Distribution Company Limited and shall produce the fine amount before furnishing of the bail bond. He lastly submits that similarly situated co-accused person has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 15.04.2024 passed in Cr. Misc.



No. 21241 of 2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and similarly situated co-accused person has been granted the privilege of anticipatory bail, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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, where the case is pending in connection with **Bodhgaya PS Case No. 780 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial



Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court 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 trial Court 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.

(Rajesh Kumar Verma, J)

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