

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32710 of 2024

Arising Out of PS. Case No.-392 Year-2023 Thana- SHAHKUND District- Bhagalpur

Abhinish Kumar @ Avnish Kumar S/o Jageshwar Mandal R/o vill - Ravi Chak, P.s. - Sahkund (Sajour), Distt. - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar, Patna
2. The South Bihar Power Distribution Limited Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajive Ranjan Singh, Advocate Mr. Amit Ranjan, Advocate
For the SBPDCL	:	Mr. Anand Kumar, Advocate Mr. Rajan Prakash, Advocate
For the Opposite Party/s	:	Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Sahkund(Sajour) P.S. Case No. 392/23 instituted under Section 135 of Bihar Electricity Act, 2003 lodged on 5.9.2023 by the informant, Arvind Kumar.

3. As per the prosecution story, the Assistant Electrical Engineer Electricity Supply Sub-Division, Amarpur, Bhagalpur alleged that on 5.9.2023, a team was constituted on the instruction of Superior Officer and visited the petitioner's industrial place only to find that 5.5. HP (4.103 KW) is being used illegally causing loss of Rs. 3,81,282.00. The electric wire was also seized. As no valid document was shown, the FIR.



4. The case of the petitioner is that in absence of any seizure list signature, the same is questionable. He however, under protest is ready to pay Rs. 1,90,641/-. He however submits that if possible, the same be allowed to be paid in two installments.

5. Learned counsel appearing on behalf of the South Bihar Power Distribution Corporation, Mr. Rajan Prakash submits that the loss of Rs. 3,81,282.00, as the petitioner is ready to pay 50% of the total amount for the present, he has no objection.

6. Learned counsel for the petitioner submits that he shall be visiting the office in question to get the actual document/bill so that the problem that has arisen is solved.

7. In view of the positive attitude of the petitioner through his learned counsel, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 1,90,641/- which shall be paid in two installments as mentioned hereinbelow:

(i) Rs. 1,00,000.00 (out of the total amount of Rs. 1,90,641/-) at the time of execution of the bail bond;

(ii) the rest of amount i.e. Rs. 90,641/- to be



paid by 30th June, 2024.

(iii) failure to do so, his bail bond is liable to be cancelled and the opposite party will be free to take appropriate steps in the matter.

8. Considering the aforesaid submissions of the parties as also the fact that the petitioner has no criminal antecedent and is ready to pay the amount in two installments, this Court is inclined to extend him the privilege of anticipatory bail.

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 Sahkund(Sajour) P.S. Case No. 392/23 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative 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 bail bond by the Trial Court itself;

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

(iv) 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;

(v) 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.

(Rajiv Roy, J)

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