

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27856 of 2024

Arising Out of PS. Case No.-225 Year-2023 Thana- GAMAHARIYA District- Madhepura

Baby Rani, aged about 35 years female W/o Bijay Kumar, Resident of
Village- Piprahi, Ward No. 05, P.S. Gamhariya, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kunal Kumar S/o Shambhu Paswan R/o Village- Pathra, P.S. Pipra, District-
Supaul the Then Junior Engineer (Electricity), Electricity Supply Division,
Singheshwar, District- Madhepura
3. North Bihar Power Distribution Company Ltd. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate
For the O.P. Nos. 2 & 3	:	Mr. Shrikant Sharan Singh, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-05-2024 Heard Mr. Nafisuzzoha, learned counsel appearing
on behalf of the petitioner; Mr. Shrikant Sharan Singh, learned
counsel for the opposite party nos. 2 and 3 and Mr. Upendra
Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Gamharia P.S. Case No. 225 of 2023, registered for the
offence punishable under Section 135 of the Bihar Electricity
Act, 2003.

3. As per the allegation made in the FIR, petitioner
was made accused for having indulged in using electricity
illegally.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He further submitted that petitioner is ready to make payment of 25 percent of the total amount of Rs. 3,80,717/- and will also undertake that he will not indulge in using electricity illegally in future. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the opposite party nos. 2 and 3 submitted that it is admitted fact that the petitioner was illegally using electricity without having valid electricity connection and, as such, the petitioner doesn't deserve to be released on bail. However, he further submitted that at least, the petitioner must make payment of 50 percent of the entire penalty amount.

6. Learned APP for the State has also supported the submission made on behalf of the opposite party nos. 2 and 3.

7. Having considered the rival submissions made on behalf of the parties, if the petitioner makes payment of 25 percent of the entire penalty amount, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a



period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Madhepura, in connection with Gamharia P.S. Case No. 225 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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