

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34434 of 2024

Arising Out of PS. Case No.-916 Year-2023 Thana- BODHGAYA District- Gaya

Shafaque Bin Shamim Son of Md. Shamimuddin Resident of Village - Miyan
Bigha Pachchhati Naj House, P.S.- Bodhgaya, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Through the Managing Director South Bihar Power Distribution Company Limited, Patna, Bihar. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Priya Ranjan, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
For OP 2 : Dr. Anand Kumar , Advocate
Mr. Ranjan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-05-2024 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for the offence punishable under Section 135 of the Indian Electricity Act, 2003.

3. It is a case of electricity theft and petitioner is alleged to have caused loss of Rs. 774462/- to South Bihar Power Distribution Limited.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and he has not



committed any offence as alleged. However, without admitting the allegation made in the F.I.R., the petitioner is he is ready to pay 50% of the total alleged amount i.e., of **Rs. 3,87,231/- (three lacs eighty seven thousand two hundred thirty one)** in installments to the Opposite Party No. 2.

5. Considering the aforesaid contention made on behalf of the petitioner, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Learned Special Judge (Electricity) Magadh Area, Gaya in connection with Bodhgaya P. S. Case No. 916 of 2023 , subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with direction to the petitioner that :-

(i) Petitioner shall refund Rs. 1,87,231/- (one lakh eighty seven thousand two hundred thirty one) through Bank Draft/cash in the Nazarat of Civil Court, Gaya at the time of furnishing bail-bond.

(ii) The petitioner shall refund the rest amount i.e., Rs. 2,00,000/- (two lacs) in four equal installments of Rs. 50,000/- (fifty thousand) through Bank Draft/cash in the Nazarat of Civil Court, Gaya within a period of four months from the date of



furnishing bail-bond.

(iii) The aforesaid payment shall be subject to the final outcome of the case .

(iv) If petitioner does not abide by the aforesaid directions, the learned Court below is at liberty to cancel the bail-bond of the petitioner.

(Prabhat Kumar Singh, J)

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