

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56487 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- RAMPUR District- Gaya

Ishwari Kumar Son of Late Vasudev Prajapati R/O Vill./Mohalla- Bhairo
Sthan Godavari, P.S.- Rampur, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jr. Electric Engineer Power Supply Sub-Division Dandibagh, Gaya. South Bihar Power Distribution Co. Ltd.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigendra Kumar, Advocate
For the State	:	Mr. Zainul Abedin, Advocate
For the O.P. No.2	:	Mr. Deepak Kumar, Advocate
		Mr. Vinay Kirti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Rampur (Gaya) P.S. Case No. 120 of 2024, registered on 13.03.2024, for the alleged offence under Section 135 of the Indian Electricity Act, 2003.

03. As per prosecution case, petitioner was found committing theft of electricity by bypassing the meter of South Bihar Power Distribution Company Ltd and thus, the petitioner caused loss of Rs. 97,187/- (excluding the compounding amount) to the Company.

04. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The petitioner has not committed any theft of electricity. There are four connections in the said premises and the petitioner has made the payment of up-to-date bill of all the four meters. However, in order to buy peace, the petitioner wants to make the payment of the amount of Rs. 97,187/- in four installments. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State as well as learned counsel for the O.P. No. 2 though oppose the prayer for anticipatory bail, however, learned counsel for the opposite party no. 2 submits that he has no objection if the petitioner makes the payment of amount of loss suffered by the Company, i.e., Rs. 97,187/- in installments.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner has volunteered to make the payment of the amount of loss suffered by the Company, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned court of Special Judge



Electricity, Magadh Area, Gaya in connection with Rampur (Gaya) P.S. Case No. 120 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

07. It is made clear that the payment of aforesaid amount of loss caused to the Company by the petitioner would be made in four equated monthly installments, first installment will be deposited by the petitioner on or before 15th of September, 2024 and next three installments in the same manner and in case the petitioner fails to deposit the payment of installments, his bail bond will be cancelled.

(Arun Kumar Jha, J)

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