

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.59903 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- KAJRAILI District- Bhagalpur

Md. Guddu Khan @ Md. Firoz Khan @ Guddu Khan Son of Md. Anwar Khan R/o Vill.- Sahpur Tamouni, P.S.- Kajraily, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The Chairman, South Bihar Power Distribution Company Ltd. Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the State : Md. Mushtaque Alam, APP
For the SBPDCL : Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Rajive Ranjan Singh, learned counsel for the petitioner, Mr. Deepak Kumar, learned counsel appearing on behalf of the SBPDCL as well as Md. Mushtaque Alam, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kajraily P.S. Case No. 36 of 2024, F.I.R. dated 09.04.2024 for the offences punishable under Sections 135 of the Bihar Electricity Act (Amendment) 2003.

3. According to prosecution case, the petitioner was found consuming electricity illegally which caused a loss of Rs. 91,967 to the SBPDCL.

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 the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that altogether the South Bihar Power Distribution Co. Ltd. has suffered a loss of Rs. 91,967/- (Ninety one thousand nine hundred and sixty seven only), which the petitioner is ready to pay in 10 equal monthly installments.

5. The learned counsel appearing on behalf of the SBPDCL as well as learned Additional Public Prosecutor have no objection in this regard.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and he is ready to pay the loss suffered by the company, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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 Judicial Magistrate 1st Class, Bhagalpur in connection with Kajraily P.S. Case No. 36 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall furnish a demand draft of Rs.



10,000/- (Ten Thousand only) in favour of the South Bihar Power Distribution Co. Ltd. and the same shall be deposited at the time of furnishing bail bond and rest of the amount shall be paid in 9 equal monthly installments.

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

iii. 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.

iv. And further condition that the court below 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 court below 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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