

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60799 of 2024

Arising Out of PS. Case No.-189 Year-2022 Thana- BARHIYA District- Lakhisarai

Ramesh Kumar Singh Son of Narayan Singh R/o Village- Laxmipur, P.S.-
Barahiya, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Assistant Engineer, Electricity Deptt., Barahiya Division, Lakhisarai Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Barahiya P.S. Case No. 189 of 2022 for the offence under Sections 135 of Electricity Act lodged on 02.09.2022 by the informant Om Prakash (Assistant Electrical Engineer, Barhiya).

3. As per the prosecution story, the informant, an Assistant Electrical Engineer lodged the F.I.R. alleging that upon raid in the premises of the petitioner, it was found to be working over the sanctioned load for which altogether suffered loss of Rs. 5,91,455/- (five lakh ninety thousand four hundred fifty five rupees).

4. Learned counsel for the petitioner submits that



repeatedly request was being made to get the meter checked and accordingly fix the problem. Instead of doing so, a raid was conducted followed by the F.I.R. It is his submission that in any case, being a law abiding citizen, having no criminal antecedent, he wants to make the payment but in installment as he is not economically sound enough to pay around Rs. 6,00,000/- in one go with a request that the office may also be directed to check the bills and, if any correction is needed, be made.

5. Learned A.P.P. opposes the prayer submitting that when the raid was conducted, it was found to be functioning overload.

6. Though the allegation is there, the fact remains that as per the petitioner, he had made a request to check the meter and further is also ready to pay the amount, do not have criminal antecedent, this Court is inclined to grant relief to him with the following conditions:-

(I) at the time of execution of bail bond, he shall be submitting a Demand Draft of Rs.1,00,000/- (one lakh rupees) issued by the local State Bank of India branch in favour of the South Bihar Power Distribution Corporation Limited;

(ii) the rest Rs. 4,91,455/- (four lakh ninety-one thousand four hundred fifty five rupees) will be paid in next ten



installments in as much as from November onwards by 10th of every month he will be paying Rs. 50,000/- (fifty thousand rupees) per month;

(iii) the last installment of Rs. 41,455/- (forty one thousand four hundred fifty five rupees) has to be cleared by 10th July, 2025 in continuation of the first installment which is to be made in the month of October, 2024;

(iv) failure to abide by the aforesaid condition, the informant shall be free to take steps for cancellation of his bail bond.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bonds of Rs. 10,000/- (ten thousand rupees) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Barahiya P.S. Case No. 189 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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/her bail bond by the Trial Court itself;

(iii) 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;

(iv) 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/her bail bonds.

(Rajiv Roy, J)

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