

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30844 of 2025

Arising Out of PS. Case No.-464 Year-2022 Thana- CHAKAND District- Gaya

Mukhtar Mahto @ Ashok Prasad S/o- Chamari Mahto Resident of village-
Rasulpur Police station-Chakand District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The South Bihar Power Distribution Company Limited through its
Chairman, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the O.P. No. 2	:	Mr. Ajay Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Chakand P.S. Case No. 464 of 2022 for the offence under section 135 of the Electricity Act, 2003 lodged on 25.12.2022 by the informant, Vinod Kumar Choudhary.

3. As per the prosecution story, the informant alleged that the raiding party found the petitioner to be using illegal electricity line causing loss of Rs. 1,55, 941/- to the South Bihar Power Distribution Company Limited (henceforth for short 'the Company'). This led to the FIR.

4. Learned counsel for the petitioner submits that no such illegal electricity line was taken up, there has been some



confusion which he would like to clear by sitting with the Officials of 'the Company'. He submits to show his *bonafide* that he is ready to pay 50% (*i.e.* Rs. 77,970/-) of the amount at the time of execution of bail bond, if relief is granted and after that he shall be visiting the office and whatever amount is found payable to him, shall be cleared in next three months.

5. Learned counsel representing 'the Company' on the other hand though opposes the prayer, submits that now that the petitioner has come to terms and is ready to pay the loss that has occurred to 'the Company', they do not have any objection on sitting across the table.

6. Taking into account the submissions of the parties as also the positive stand of the petitioner, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to following conditions:

“(i) he shall be paying 50% of Rs. 1,55,941/- (i.e. Rs. 77,970/-) at the time of execution of bail bond;

(ii) he shall be visiting 'the Company' Office, sit with the Officials and will take a fresh bill which is to be payable by him;

(iii) shall be clearing the rest of the



amount in next three months;

*(iv) failure to do so, the informant shall
be free to take steps for cancellation of the 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 bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge (Electricity) Magadh Area, Gaya in connection with Chakand P.S. Case No. 464 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 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 bail bonds.

(Rajiv Roy, J)

Adnan/-

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