

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77727 of 2024**

Arising Out of PS. Case No.-146 Year-2024 Thana- KATIHAR NAGAR District- Katihar

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1. Suraj Kumar Singh @ Suraj Singh S/o- Nawal Kishore Singh Resident of Mohlla- Munshi Tola, Ram Para, PS- Katihar, Dist- Katihar
 2. Akash Kumar Singh S/o- Nawal Kishore Singh Resident of Mohlla- Munshi Tola, Ram Para, PS- Katihar, Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar S/o- Ranjeet Choudhary Junior Electrical Engineer, Electric Supply Katihar North, Ps-0 Katihar Dist- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghvendra Kumar Singh, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the O.P. No. 2	:	Mr. Shrikant Sharan Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

3 29-01-2025 Heard Ld. counsel for the petitioners, Ld. APP for the State and learned counsel for the O.P. No. 2.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Katihar Town PS. Case No.146 of 2024, registered for the offences punishable under Section 135 of Electricity Act.

3. As per allegation, the electric connection was disconnected from the house of the petitioners and thereafter, they were found to be using electricity by using hook on the electric line.

4. Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this



case. He further submits that at the time of alleged offence, they were living separately and family of his another brother, who has already died, was living in that house. Hence, he has no liability. However, he admits that the house where the hook was found to be used to consume electricity without electricity connection was joint family property of the petitioners and one other brother, who has died.

5. He further submits that petitioner is ready to pay half of the fine amount at the time of filing the bail bonds without prejudice his right to raise his defence during trial.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

8. Ld. APP for the State and learned counsel for the Electricity Department strongly oppose the prayer of the Petitioners for bail.

9. In view of the offer of the learned counsel for the petitioners to pay. 50% of the total fine of Rs. 24,225/- imposed by the Electricity Department on account of alleged theft, **this petition is allowed**, directing the petitioners above-named, to be



enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Katihar, in connection with Katihar Town P.S. Case No.146 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(iii) The petitioner will deposit proof of the payment of half of the fine of Rs. 24,225/- which has been imposed by Electricity Department on account of the alleged theft.

(Jitendra Kumar, J.)

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