

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53273 of 2017

Arising Out of PS.Case No. -129 Year- 2017 Thana -SHEKHPURA District- SEKHPURA

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1. Binod Kumar Pandey @ Binod Pandey S/o Late Muneshwar Pandey, R/o Khandpar, P.S.- Shrikhpura in the District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Executive Engineer Electric Supply Division, Sheikhpura.
3. The Assistant Engineer Electric Supply Division Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the O.P. No. 2 & 3 : Mr. Vikash Chandra Srivastava
For the State : Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 09-11-2017 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sheikhpura P.S. Case No. 129 of 2017 instituted for the offences punishable under Section 379 of the Indian Penal Code and Section 135 of the Indian Electricity Act.

The informant of this case is Junior Electrical Engineer, who conducted raid at the house of the petitioner and found him consuming the power by placing magnet on meter for getting false reading and thereby, caused loss to the tune of Rs. 5766/- to the electricity department. The informant has further alleged that the petitioner had two more electric connection and



arrears of electrical bill is pending and so the petitioner has caused loss to the department to the tune of Rs. 104567/- in total.

The learned counsel for the petitioner submits that the earlier electrical connection was standing in the name of his father for which he had prayed to disconnect the same and install another connection. The department kept mum and used to give wrong electrical bill to the petitioner. The petitioner has filed a complaint case before the District Consumer Forum, Sheikhpura bearing Case No. 30 of 2013. In the said case, the department has been noticed and after receiving notice, the department has lodged this criminal case in order to harass the petitioner.

Be that as it may. As per F.I.R. the alleged loss caused to the informant is to the tune of Rs. 5766/-. The learned counsel for the petitioner without prejudice to the claim of the informant and also subject to decision of the Consumer Forum is ready to deposit the said amount. The learned counsel for the Electrical Department however opposed the prayer.

Considering the nature of allegation, facts and circumstances of the case, the anticipatory bail prayer is allowed. The petitioner, above named, in the event of arrest / surrender within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 129 of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that the petitioner would deposit an amount of Rs. 5766/- to the electricity department for the alleged loss caused to the department subject to decision of the Consumer Forum.

(Sanjay Kumar, J)

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