

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55640 of 2016

Arising Out of PS.Case No. -23 Year- 2015 Thana -NATIONAL HIGHWAY BANGRA District-
SAMASTIPUR

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1. Suresh Rai, Son of Sri Ramashish Rai, Resident of Sarsauna, P.S.- NH
Bangara, District- Samastipur. Petitioner/s

Versus

1. The State of Bihar.
2. North Bihar Power Distribution Company Ltd. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy

For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 13-01-2017 Heard both sides.

The petitioner apprehends his arrest in NH Bangra P.S.
case No.23 of 2015 under Section 135 of the Electricity Act.

The informant alleged that petitioner was committing
theft of electrical energy by connecting wire in the main line and
thereby caused loss of Rs. 39,106/- to the North Bihar Power
Distribution Company Ltd.

The learned counsel for the petitioner submits that
petitioner is a bonafide consumer and this is not a case of theft of
electricity but at best a case of use of overload can be made out and
for that the department can take action for realizing the amount and
the department is not legally authorized to lodge the case. It is
further submitted that according to the Electricity Act the FIR
should have been lodged within 24 hours from the time of
occurrence. The raid was conducted on 20.04.2015 but FIR was



lodged after 24 hours of the occurrence.

I find that FIR was lodged within 24 hours of the occurrence, i.e., on 21.04.2015 and from the facts it appears that it is not a case of use of overload of the electrical energy rather the petitioner was found illegally connecting wire in the main line and he committed theft of electrical energy. Photographs have also been taken to show that petitioner had connected wire in the main line bypassing meter inside his house but the petitioner is ready to deposit Rs. 39,106 within one month from the date of receipt of this order.

Considering the facts aforesaid, if the petitioner deposits the entire amount of Rs. 39,106/- within one month, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Atul Singh, learned Judicial Magistrate, 1st class, Samastipur in NH Bangra P.S. Case No. 23 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/-

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