

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51667 of 2017**

Arising Out of PS. Case No.-232 Year-2013 Thana- KHAZANIHAT District- Purnia

Dr. Irshad Ahmad Khan @ Irshad Khan, Son of Late Mujibul Hasan, resident of Jail Chowk, N.H.-31, P.S.-K. Hat, District Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate  
Mr. Humayou Ahmad Khan

For the Opposite Party/s : Mr. SRI RAJENDRA SINGH SHASTRIJI

For the NB Power Honing &  
Distribution Co. : Mr. Vinay Kirti Singh, Sr. Advocate

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      10-11-2017      Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under section 135 of the Electricity Act, 2003.

The accusation is of committing theft of electricity and the loss has been calculated to the tune of Rs.13,05,134.00.

This is not in dispute that in pursuance to the order dated 4.4.2014 passed in Cr. Misc. No. 4002 of 2013 (quashing application) filed on behalf of the petitioner, challenging the order of cognizance, the petitioner deposited 20% of the calculated loss amount. It is submitted by learned counsel for the petitioner that the petitioner is ready to deposit Rs.5,00,000/-



within a fortnight before the Executive Engineer, Electric Supply Division, Purnea and submit receipt of the same before the learned court below. With regard to the remaining amount, learned senior counsel for the petitioner submits that the petitioner is ready to get the same deposited within a period of six months for getting the issue compounded through the authorities of the Electricity Supply Division, Purnea in accordance with the provisions of The Electricity Act, 2003.

Mr. Vinay Kirti Singh, learned senior counsel for the North Bihar Power Holding and Distribution Company submits that the case was registered in 2013. The assessment proceeding has been concluded but inspite of several notices, the petitioner failed to appear. However, the compounding can be done on deposit of the entire loss calculated amount.

Keeping in view the aforesaid facts, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Purnea in connection with K. Hat P.S. Case No. 232 of 2013.

The petitioner will submit receipt of the deposit of



Rs.500000/- within a period of three weeks from today before the learned court below and will regularly appear before the authority concerned for getting the issue settled. On settlement of the issue, the learned court below will be at liberty to confirm the provisional anticipatory bail of the petitioner.

**(Dinesh Kumar Singh, J)**

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