

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5849 of 2018

Arising Out of PS.Case No. -119 Year- 2017 Thana -SHEIKHOPUR SARAI District- SEKHPURA

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Bineshwar Paswan S/o Late Ramjee Paswan, R/o Village- Sadikpur, P.S.-
Shekhopur Sarai, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The South Bihar Power Distribution Corporation Ltd. through the Junior Engineer (Electricity) Electricity Supply Section Sheikhpursarai, P.S.- Sheikhpursarai, District- Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar
For the Opposite Party/s : Mr. Shailendra Kumar -2
For the SBPDCL : Mr. Binod Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 02-02-2018 Heard learned counsel for the petitioner and learned

counsel for the State as also counsel for the South Bihar Power

Distribution Corporation Limited.

In this case, the petitioner is apprehending his arrest
in connection with Shekhopur Sarai P.S. Case No. 119 of 2017
registered for offences under sections 135/138 of the Bihar
Electricity Act.

An allegation has been made that the bill of Rs.
26,513/- was raised against the petitioner, against that, he has filed
an application before the District Lok Nivaran Padadhikari,
Sheikhpura but, the Lineman, on account of non-payment of the
bill, disconnected the power. When the team has raided that area,



it was found that the petitioner was using power illegally and thereby caused loss of revenue to the Electricity Board.

Learned counsel for the petitioner has submitted that the petitioner is ready to deposit Rs. 46,000/- in three installments.

In that view of the matter, if the petitioner deposits Rs. 15,000/- at the time of surrender, let the petitioner, namely, Bineshwar Paswan, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Sheikhpura in connection with Shekhopur Sarai P.S. Case No. 119 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that if the petitioner fails to deposit the second and third installment in a gap of one month each, the benefit, which is being granted by this Court today, will be treated to have been withdrawn and the Electricity Board will be at liberty to take action against the petitioner in accordance with law.

With regard to the bill amount of Rs. 26,513/-, the petitioner may challenge the same before the appropriate authority and, after resolution of the dispute, the petitioner will deposit the same accordingly.



If the petitioner files an application before the authority concerned, he will decide the case of the petitioner expeditiously preferably within a period of three months from the date of filing of the application by the petitioner.

(Shivaji Pandey, J)

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