

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39316 of 2018

Arising Out of PS.Case No. -232 Year- 2013 Thana –K. Hat District- :Purnea

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Dr. Irshad Ahmad Khan @ Irshad Khan S/o Late Mujibul Hasan, R/o Jail Chowk, N.H. 31, P.S.- K. Hat, District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. North Bihar Power Holding and Distribution Company Ltd.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Humayou Ahmad Khan, Adv.
For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh
For O.P. No. 2 NBPDC : Mr. Vinay Kirti Singh, Sr. Advocate
Mr. Vijay Kumar Verma, Advocate
Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 12-09-2018

The present application has been filed for modification of order dated 10.11.2017 passed in Cr. Misc. No. 51667 of 2017, whereby the petitioner was granted provisional anticipatory bail for six months in connection with K. Hat P.S. Case No. 232 of 2013 on the condition that the petitioner will deposit Rs.5,00,000/- 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 was given liberty to confirm the provisional anticipatory bail of the petitioner.

The accusation is of committing theft of electricity



energy and the loss has been calculated to the tune of Rs.13,05,134.00. However, till date the petitioner has only deposited Rs.7,61,027/-. The petitioner claims to deposit the entire amount as per the calculation made by the Electrical Executive Engineer, Purnea West issued vide letter No. 930 dated 25.07.2018.

However, Mr. Vinay Kirti Singh, learned Senior counsel appearing for North Bihar Power Distribution Company Limited submits that as per the final assessment, the petitioner has to make further payment of Rs.13,94,735.64 along with compounding fee.

In considered opinion of this Court a dispute with regard to the quantum of the assessment made by Power Distribution Company cannot be resolved in the present case. Moreover, the petitioner's prayer for quashing of the FIR has already been dismissed vide order dated 03.05.2016 passed in Cr. Misc. No. 43002 of 2013 by a co-ordinate Bench of this Court, as contained in Annexure-D to the counter affidavit.

This Court only for the purposes of confirmation of the provisional anticipatory bail, keeping in view the nature of accusation since the petitioner has deposited substantial amount of the calculated loss, directs for confirmation of the provisional



anticipatory bail of the petitioner granted vide order dated 10.11.2017 passed in Cr. Misc. No. 51667 of 2017 in connection with K. Hat P.S. Case No. 232 of 2013, pending in the Court of learned Chief Judicial Magistrate, Purnea.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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