

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9925 of 2018

Arising Out of PS. Case No.-158 Year-2017 Thana- DHANSORI District- Buxar

Sanjay Kumar Ojha, Sanjay Kumar @ Sanjay Ojha, S/o Shambu Nath Ojha,
Resident of Village- Amarpur, P.S.- Dhansoi, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar, Asst. Electricity Engineer Electric Supply Sub Division Buxar (Rural), P.S. Buxar (T), Dist.- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bachan Jee Ojha
For the Opposite Party/s	:	Mr. Amrendra Prasad
For the BSEB	:	Mr. Kumar Priya Ranjan

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 22-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Dhansoi P.S. case no.
158 of 2017 instituted for the offence under Section(s) 135 of
the Electricity Act.

It is alleged in the written report that raid was conducted
in the premises of the petitioner on 11.11.2017 and petitioner
was found committing electricity theft by using three phase
toka to run motor of 8 H.P. and other materials as mentioned in
the seizure report.

Learned counsel for the petitioner has submitted that
petitioner is a bonafide consumer of the Electricity Department



and he was getting regular electricity bill from the Department and also making payment of the bills. He has referred to Annexure-3 which is electricity bill for the month of August, 2017 dated 18.8.17 wherein the last date for making payment of the electricity dues was shown as 2.9.17 without late fine and up to 12.9.17 with fine. Learned counsel for the petitioner has submitted that he was getting bill regularly and making payment of the same but in the month of August he received all of sudden bill for Rs. 64,866/- for which he filed petition before the Electricity Department on 29.8.17 which is Annexures-4 and 4/A for making necessary correction but no step has been taken. From perusal of the Annexure-4/A it transpired that there is also endorsement of the officer of department of receipt of the aforesaid representation of the petitioner. It is further submitted that when there was time till 2.9.17 to deposit the electricity bill and his claim for correction of the electricity bill was pending the raid was conducted on 11.11.17 and it has been mentioned in the FIR that the electricity connection was disconnected on 31.8.17, although as per electricity bill (Annexure-3) he was entitled to make payment up to 12.9.17 with late fine.

In the facts and circumstances of the case, prayer of the



petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Dhansoi P.S. case no. 158 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Buxar, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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