

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33584 of 2017**

Arising Out of PS.Case No. -10 Year- 2017 Thana -PANJWARA District- BANKA

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1. Upendra Prasad Bhagat, Son of late Ramkrishana Bhagt, Resident of Village-Sabalpur, P.S.-Panjawara, District-Banka.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Akhilesh Kumar, Assistant Electric Engineer, Banka.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prahalad Kumar Bhagat, Advocate  
For the Opposite Party/s : Mr. Shrekant Sharan Singh, Advocate  
For the State : Mr. Rabindra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

8      09-01-2018      Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Panjawara P.S.  
Case No. 10 of 2017 instituted for the offence under Sections 135  
of the Indian Electricity Act.

It is alleged in the written report that this petitioner was  
found running 10 H.P. Motor by fixing Tonka in the L.T. Line and  
thereby committed electricity theft on account of which Electricity  
Department sustained loss of Rs. 4,96,635/-.

Learned counsel for the petitioner submitted that he  
was running his motor by diesel and has never committed  
electricity theft, which is apparent from the statement of witnesses  
at para17 and 18 of the case diary, wherein it is stated that this



petitioner is running mill by diesel-motor and never committed electricity theft.

Learned counsel for the Electricity Board opposes the prayer.

From perusal of the assessment report filed on behalf of opposite party no. 2 annexed as Annexure-A, to the counter affidavit, this court finds that no any basis is mentioned on which the amount of loss has been assessed by the Electricity Department.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Panjwara P.S. Case No. 10 of 2017 to the satisfaction of learned C.J.M., Banka subject to condition as laid down u/S 438 (2) of the 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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