

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56651 of 2018

Arising Out of PS. Case No.-224 Year-2017 Thana- RAMPUR District- Gaya

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Bharat Prajapat S/o Basudeo Pandit @ Basudeo Parajapat Pandit, R/o
Mohalla- Bhairo Asthan, Godavari, P.S.- Rampur , District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. South Bihar Power Distribution Company through its Managing Director
Vidhut Bhawan, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashish

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-10-2018 Heard learned counsel for the petitioner, learned

counsel appearing for opposite party no. 2 and learned APP for

the State.

Petitioner seeks pre-arrest bail in connection with

Rampur P.S. Case No. 224 of 2017 for offences alleged under

Section 135 of the Indian Electricity Act.

The prosecution case, as lodged by the informant,

the Franchisee Company of opposite party no. 2, is that a raid

was conducted at nine premises including that of the petitioner.

On raid it was found that by bypassing of meter the petitioner

was taking illegal supply from LT Pole line. Accordingly, an

F.I.R. was lodged for theft of electrical energy of Rs. 19,632/-,

although the provisional assessment, which is part of the FIR, as



contained in Annexure-1, the payable amount has been shown as Rs. 1,39,893/-.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and is a bonafide consumer of DS-2 category of opposite party no. 2. He submits that although the allegation is of illegal supply by using dual supply method from LT Pole line but no wire has been seized during course of raid and in the inspection report the signature of the petitioner is not taken although there is an endorsement by the officials that he has refused to sign. He further submits that even the Franchisee Company, which has conducted raid, is not entitled to conduct such raid and inspection which the opposite party no. 2 is entitled.

However, learned APP for the State as well as counsel for opposite party no. 2 oppose the prayer for bail stating therein that the petitioner was found engaged in theft of energy by bypassing meter and engaged in dual supply.

Considering the facts and circumstances and the materials on record, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of learned Special Judge
(Electricity), Magadh Area, Gaya in connection with Rampur
P.S. Case No. 224 of 2017, subject to the conditions as laid
down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J)

Rajesh/-

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