

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39858 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -NAWADA
MUFFASIL District- NAWADA

=====

Binay Kumar @ Vinay Kumar Son of Sri Shiv Nandan Singh
Resident of Village- Pachhiadih, P.S. Mufassil, Distt.
Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. South Bihar Power Distribution Company Ltd. Bailey
Road, Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-07-2018 The petitioner seeks bail in anticipation of his arrest in connection with Nawada Muffasil P.S. Case No. 05 of 2018 dated 13.01.2018 instituted for the offence under Section 138 of the Electricity Act, 2003.

The petitioner was found to be using/consuming the electricity in an unauthorized manner thereby causing loss of approximately Rs. 56,000/-.

Though the learned counsel for the petitioner has submitted that he is a *bona fide* consumer of the electricity but has not been, for no apparent reason, provided with the electricity bill for the consumption made by him. But the learned counsel appearing for the Electricity Board has



submitted that petitioner has not yet become a valid consumer of electricity. His application seeking electric connection is still pending consideration. In that view of the matter, it cannot be said that the electric supply company is guilty of not sending bills to him.

Considering the circumstances of the case, on deposit of Rs. 25,000/- under protest and without prejudice to the rights and contentions of the petitioner, before the Court below within a period of four weeks from today, the petitioner shall be released on bail on his 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, Gaya in connection with Muffasil P.S. Case No. 05 of 2018.

If the aforesaid amount is deposited, the Court below shall have it invested in an interest bearing scheme with an auto renewal facility. In case the petitioner is not found to have consumed the electricity unauthorizedly as alleged by the Electricity Department, the same shall be returned to him.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

