

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48360 of 2018

Arising Out of PS. Case No.-51 Year-2017 Thana- BARH District- Patna

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Pappu Singh @ Pappu Kumar Singh @ Pappu Kumar, Son of Binod Singh,
Resident of Village- Gowar Dharampur, Police Station- Barh, District- Patna.
... .. Petitioner/s

Versus

1. The State of Bihar.
 2. The South Bihar Power Distribution Company Ltd. through its Managing Director, Vidyut Bhawan, Bailey Road, Patna.
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh
For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 29-11-2018 Heard learned counsel for the petitioner and learned
counsel for the South Bihar Power Distribution Company Ltd.

The petitioner is apprehending his arrest in connection with Barh P.S. Case No. 51 of 2017 for the offence registered under Sections 135 of the Electricity Act.

Learned counsel for the petitioner submits that the raiding party came to the industrial premises of the petitioner but the alleged raid was not conducted in his presence. It is further submitted that whatever loss was occasioned to the electricity department, the same can be negotiated and if at all there is any energy dues, the same may be saddled on the petitioner. The petitioner is ready to pay the same in accordance with law. He further submits that such allegation of theft cannot be saddled on him as the provisions of assessment under Section



126 C of the Electricity Act have not been followed by the Assessing Officer.

Keeping into consideration such facts and circumstances and in view of the description which appears to be rare in the matter of raid, let the petitioner, above named, in the event of his arrest/surrender before the learned counsel below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Barh, Patna in connection with Barh P.S. Case No. 51 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the present order is being passed without prejudice to the rights of the parties as well as Power Distribution Company with regard to the assessment which may be made subsequently, in accordance with law. The petitioner is also directed to appear before the concerned authority and cooperate in the assessment proceedings.

(Anjana Mishra, J)

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