

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9816 of 2019
Arising Out of PS. Case No.-170 Year-2018 Thana- FULKAHA District-
Araria

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SHIVSHANKAR YADAV aged about 38 years, male, son of Shri Lakhan Lal
Resident of Village - Amrouri, Ward No. 14, P.S.- Fulkaha Bazar, District-
Araria.

... .. Petitioner

Versus

1. The State of Bihar
 2. Electrical Executive Engineer, Electric Supply Division, Araria Bihar
- Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Sharma Mr. Kumar Ravish, Advocates.
For the O.P. No. 2	:	Mrs. Nivedita Nirvikar, Advocate.
For the State	:	Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

11 20-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 135 of the Electricity Act registered in
connection with Fulkaha P.S. Case No. 170 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and in view of the disputes, the matter was taken to
the Consumer Grievance Redressal Forum and by order dated
17.11.2017 (Annexure-P/5) the petitioner was permitted to
make payment of Rs. 25,000/- as the first instalment together
with RC-DC charges upon which new meter would be installed by
the Power Company and electricity restored. It is stated pursuant
to the aforesaid order of the CGRF, the requisite amount of



Rs. 25,000/- with RC-DC charges was duly adjusted against the instalments paid (Page-25 of the brief). Accordingly a new meter was installed and energized but however after removing the matter, the Power Company has made allegations of theft of electricity by the petitioner. It is further stated that 8 metres double core wire was seized from the petitioner's premises with supported the allegations of theft.

4. Learned counsel for the Power Company is present. By order dated 20.02.2019, this Court granted more than a month's time to the Power Company to file its counter affidavit in view of the petitioner's stand that there was no inspection report or seizure memo. Subsequently on the prayer of the Power Company, further time was granted by order dated 20.06.2019 and 26.07.2019 but even after a lapse of more than six months no counter affidavit has been filed till date.

5. Having regard to the entirety of the facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner by order dated 20.02.2019 pending in the Court of Chief Judicial Magistrate, Araria in connection with Fulkaha P.S. Case No. 170 of 2018 is hereby confirmed.

(Vikash Jain, J)

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