

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9682 of 2019

Arising Out of PS. Case No.-154 Year-2018 Thana- ARIYARI District- Sheikhpura

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Dharamaraj Yadav S/o. Vimal Yadav R/o. Village- Mai Amarpur, P.S. Ariyari
& District- Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Executive Engineer, Electricity Supply Sub-Division, Sheikhpura, P.S.
& District- Sheikhpura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Ariyari P.S. Case No.154 of 2018, registered for the offences punishable under Section 379 of the Indian Penal Code and Section 135 of the Indian Electricity Act, 2003.

Allegation against the petitioner is that he was using electricity by bypassing the electric meter for commercial purpose.

Submission of the learned counsel for the petitioner is that petitioner has got no criminal antecedent and for first offender special provision is there in the Electricity Act, 2003, for compounding of the case on deposit of the fine etc.



Moreover, the seizure list does not bear signature of any independent witness of the locality nor the authority seized the electric meter of the petitioner; rather only wire etc. were seized. Moreover, the claim of loss of Rs.3,77,214/- is based on conjectures and surmises without any calculation or method of calculation.

The FIR need not be an encyclopedia of details of calculation. Moreover, Section 126 of the Electricity Act provides for provisional calculation.

Considering the nature of allegation of using loop connection by the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioner, the prayer for regular bail shall be considered on its own merit according to law without being prejudiced by the order of this Court.

(Birendra Kumar, J)

Mkr./-

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