

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26765 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- SARSI District- Purnia

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RUPESH KUMAR GUPTA @ RUPESH PRASAD Son of Munilal Gupta,
Resident of Village - Sarsi Bazar, P.S.- Sarsi, Distt.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sita Ram Prajapati, Junior Engineer Electric, Electric Supply. Banmankhi J.
Purnea. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Mallick

For the Opposite Party/s : Mr.Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 29-08-2019 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Sarsi Police Station Case No. 23 of 2018,
disclosing offences under Sections 135 and 138 of the
Electricity Act.

The allegation against the petitioner, as per the First
Information Report lodged by the Junior Engineer, Electric
Supply Sub-Division, Purnea, is that the premises of the
petitioner was inspected by the Assistant Electric Engineer, and
the petitioner was found using the electricity by hooking a wire
from the L. T. line, despite being the fact that previous electric



connection of the petitioner was disconnected due to non-payment of Rs. 76,188/-. It has further been alleged that the inspecting team has assessed a sum of Rs. 4,022/-, as loss incurred to the North Bihar Power Corporation Company Limited (NBPDCCL) for using the electricity unauthorizedly by the petitioner.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that no material has been produced by the informant in order to substantiate the allegation that the petitioner was using the electricity unauthorizedly inasmuch as no wire or any other material were recovered from the premises of the petitioner.

On the other hand, learned Counsel appearing on behalf of the NBPDCCL, submits that from perusal of the First Information Report itself, it is evident that the petitioner was using the electricity unauthorizedly and was committing theft despite the fact that earlier electric connection in the premises of the petitioner was disconnected and a total sum of Rs. 80,210/- has been assessed by the inspecting team as the amount for unauthorizedly use of electricity by the petitioner as well as the earlier due amount.



After having heard learned Counsel for the parties and taking into consideration the fact that the First Information Report *prima facie* discloses the theft of electricity by the petitioner, I am not inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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