

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42909 of 2019**

Arising Out of PS. Case No.-2 Year-2019 Thana- BIBHUTIPUR District- Samastipur

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DILIP SINGH @ DILIP KUMAR SINGH Son of Late Parikshan Singh  
Resident of Village - Belsandi Dih, P.S.- Bibhutipur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar through North Bihar Power Distribution Comp. Patna Ltd.  
having office at Vidhut Bhawan, Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Abhay Shankar Singh

For the Opposite Party/s : Mr.Vinay Kirti Singh

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      12-07-2019      Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with  
Bibhutipur P.S.Case No. 02 of 2019 registered under Section  
135 of the Electricity Act, 2003.

Allegation against the petitioner, as per FIR, is that the  
on the secret information that electricity was being stolen by the  
petitioner, a team was constituted for enquiry and it was found  
that the petitioner was illegally consuming 2x200 Watts bulb  
and one of 40 Watts tube light in his poultry farm. It has further  
been alleged that petitioner and other family members did not  
produce any document at the time of inspection and inspection  
team assessed the loss of electricity of Rs. 42,505/- towards  
theft of electricity in the poultry farm of the petitioner.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and the present case of theft of electricity has been lodged against him with *mala fide* intention inasmuch as 05 days prior to date of inspection, petitioner had made a complaint before the Public Grievance Redressal Officer, Rosera, along with other villagers, regarding change of transformer in the locality. He submits that in fact petitioner had applied for electricity connection on 09.07.2016 but no regular connection was given in the Poultry Farm run by the son of the petitioner.

Dr. Anand Kumar, learned counsel appearing on behalf of the North Bihar Power Distribution Company Ltd., on the other hand, submits that it was five members inspecting team constituted in discharge of their official duty and they inspected the premises of the Poultry Farm from where it was found that the electricity was being consumed without any valid connection and all the members of inspecting team have signed upon the inspection report along with the occupant who was present there and accordingly, a sum of Rs. 42,505/- has been assessed towards theft of electric energy by the petitioner.

After having heard Mr. Abhay Shankar Singh, learned counsel for the petitioner and Dr. Anand Kumar, learned counsel



appearing on behalf of the NBPDC, it appears that there is no material on record to show that petitioner or his son was using electric energy on the basis of any valid connection given by the Electricity Department since 2016 and on the date of inspection, illegal electric energy was being found consumed in the premises. However, learned counsel for the petitioner offers to make payment of loss amount assessed by the Electricity Department in three installments of Rs. 14,000/- per month without prejudice to the rights and contentions of the petitioner.

Accordingly, taking into consideration the fact that petitioner is ready to pay loss amount to the electricity Department, as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, subject to above said condition, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Rosera, in connection with Bibhutipur P.S. Case No. 2 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.



It is made clear that before surrender, the petitioner shall have to pay the first installment to the concerned Accounts Officer of NBPDCCL and for the rest two installments, the petitioner shall have to give undertaking to pay the same within next two months.

**(Anil Kumar Sinha, J)**

sujit/-

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