

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51348 of 2019

Arising Out of PS. Case No.-90 Year-2019 Thana- KALYANPUR District- Samastipur

ANAND MOHAN Son of Late Dineshwar Prasad Resident of Village -
Lakshrampur, P.S.- Kalyanpur, Dist. - Samastipur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. North Bihar Power Distribution Company Ltd. through Suresh Paswan
Kaniy Vidhut Abhiyanta Vidhut Aapuruti, Prasakha, P.S.- Kalyanpur, Dist. -
Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad
For the Opposite Party/s	:	Mr.Arun Kumar Singh
For NBPDCCL	:	Mr. (Dr.) Anand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-08-2019 Heard learned Counsel for the petitioner, learned
Counsel for the Opposite Party No. 2 and learned Additional
Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Kalyanpur Police Station Case No. 90 of 2019, disclosing
offences under Section 135 of the Electricity Act, 2003.

The allegation against the petitioner is that on
inspection of the premises of the petitioner, the petitioner, being
the proprietor of Maa Aqua, was found using the electricity
unauthorizedly by hooking a wire through pole. The inspecting
team assessed Rs. 4,90,198/- as the loss incurred to the
NBPDCCL and also found that Rs. 39,122/- was due to the



premises of the petitioner from before, and as such Rs. 5,29,302/- has been assessed as the total loss to the NBPDCCL.

Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. He further submits that the dues of Rs, 39,122/- was not attributable to him inasmuch as it was being used by the erstwhile owner of the premises in question. He further submits that the assessment made by the inspecting team of NBPDCCL is highly excessive.

On the other hand, learned Counsel appearing on behalf of the NBPDCCL submits that the petitioner was found using the electricity unauthorizedly by hooking through pole and the assessment was rightly done by the inspecting team and is in accordance with the formulae for the same and there is no discrepancy in the assessment done for the unauthorized use of electricity by the petitioner.

However, learned Counsel for the petitioner, without prejudice to his right and contention and subject to the final outcome of the case, submits that for the purpose of bail, the petitioner is ready to pay the assessed amount of Rs. 5,29,302/- to the NBPDCCL in instalments and Rs. 1,32,500/- shall be paid by the petitioner immediately and rest amount of Rs. 3,96,982/-



shall be paid in six equal monthly instalments, positively.

Learned Counsel for the NBPDCCL accepts the offer made by the petitioner.

In view of the above, let the petitioner, Anand Mohan, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, in connection with Kalyanpur Police Station Case No. 90 of 2019, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure, (ii) the petitioner would pay Rs. 1,32,500/- before furnishing bail bond and (iii) the rest amount of Rs. 3,96,982/- shall be paid by the petitioner in six equal monthly instalments, the first instalment will be paid by 05th October, 2019 and the last instalment will be paid by the petitioner by 05th March, 2020.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

It is made clear that the petitioner will annex a duly



acknowledge receipt granted by the NBPDCCL of payment of Rs.
Rs. 1,32,500/- along with the surrender -cum- bail application.

This application is disposed of with the aforesaid
observation and direction.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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