

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57617 of 2019

Arising Out of PS. Case No.-88 Year-2019 Thana- GAIGHAT District- Muzaffarpur

KANCHAN KUMAR S/o Late Shiv Chandra Rai Resident of Village-
Sakarbara, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. North Bihar Power Distribution Company Limited Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Chandra

For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-11-2019 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Gaighat P.S. Case No. 88 of 2019 registered for the offence punishable under Section 135 of the Bihar Electricity Act, 2003.

The case of the prosecution according to the written report of the Junior Electrical Engineer, Electric Supply Division, Gaighat, District-Munger, filed before the Officer In-charge, Gaighat police station is that on 27.3.2019 at about 15.30 in the afternoon, he along with the Assistant Electrical Engineer and other personnels of the department had conducted raid at various premises under the Gaighat police



station and as far as the petitioner is concerned, upon inspection being made in the Ata Chakki shop of the petitioner, it was found that a cut had been made in the electricity service line at a point prior to the meter and by means of a changer, theft of electricity was being committed, resulting in loss being caused to the North Bihar Power Distribution Company Limited which has been assessed to be a sum of Rs. 2,07,39/-.

The learned counsel for the petitioner submits that the petitioner is a regular and bonafide consumer of the aforesaid electricity company and it has been admitted in the FIR that the electricity connection in the premises of the petitioner was single phase with a sanctioned load of 3.73 kw (5HP), hence, there was no occasion for the petitioner to commit any theft of electricity. It is thus submitted that the petitioner has been falsely implicated in the present case and he has got no complicity in the matter as well as he is having a clean antecedent, thus, the petitioner is entitled to grant of anticipatory bail.

I have heard the learned counsel for the parties and I find that prima facie, a case is made out against the petitioner herein for committing theft of electricity by by-passing the



meter, hence, causing loss to the electricity company in question. It is a well accepted fact that theft of electricity is a big menace in the State of Bihar and quite rampant which results in overburdening the honest consumers by them being levied with higher electricity charges on account of loss caused to the electricity company due to loss of revenue on account of theft of electricity.

Thus, this Court is of the opinion that theft of electricity is a heinous crime and deserves to be treated with firm hands. Nonetheless, this Court had inquired from the learned counsel appearing for the petitioner as to whether the petitioner is ready to deposit a sum equivalent to 50% of the amount of loss assessed, as aforesaid, however, the learned counsel for the petitioner was not interested in the said offer.

Having regard to the facts and circumstances of the case and for the reasons discussed hereinabove, I do not find any merit in the present petition, hence, the same is dismissed.

(Mohit Kumar Shah, J)

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