

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82582 of 2019

Arising Out of PS. Case No.-155 Year-2019 Thana- BHAGWANPUR District- Begusarai

DHANESHWAR MAHTON, Son of Late Uday Mahto, Resident of Village -
Buchauli, P.S.- Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kapil Deo Singh, Adv.
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP
	:	Mr. Vinay Kirti Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-02-2020 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 135 of the Electricity Act.

The accusation is of consuming electric energy unauthorisedly. The loss has been calculated to the tune of Rs.1,62,980/- by the Electricity Department.

It is submitted by learned counsel for the petitioner that the accusation has been levelled maliciously since the petitioner failed to deposit the due electricity bill and made protest for disconnection of electric connection of his house. However, the petitioner is ready to deposit the total loss



calculated amount in 12 monthly equal installments before the authority concerned, which will be subject to assessment/compounding proceedings. It is further submitted that the petitioner is not having any criminal antecedent. A statement to that effect has been made in paragraph No. 3 of the petition.

It is submitted by Mr. Vinay Kirti Singh, learned counsel for the Bihar State Power Holding Company that the petitioner has consumed the electricity energy unauthorizedly after the electric connection was disconnected. However, he has no objection to the payment of loss calculated amount in installments.

Considering the present stand of the petitioner, let him be released on provisional anticipatory bail for a period of 12 months, subject to deposit the amount of Rs.25,000/- before the concerned authority, out of the total loss calculated amount (after deducting the already paid amount, if any) at the time of furnishing the bail bonds, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Begusarai, in connection with



Bhagwanpur P.S. Case No. 155 of 2019 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the lower Court below on filing of substantial proof with regard to deposit of entire loss calculated amount before concerned authority.

It is made clear that the petitioner will be at liberty to pursue the authorities for restoring his electric connection, in the meantime.

(Dinesh Kumar Singh, J)

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