

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.574 of 2020

Arising Out of PS. Case No.-291 Year-2019 Thana- FORBESGANJ District- Araria

Arbind Sharma @ Arvind Kumar Sharma, aged about 23 years, Male, Son of Anandi Sharma, Resident of Village-Basgara, Ward no.5, P.S.-Forbesganj, District-Araria.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Managing Director North Bihar Power Distribution Corporation Ltd. Bihar

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Kundan Kumar Singh, Advocate.
For the State	:	Mr.Sanjay Kumar Tiwary, A.P.P.
For the O.P. No. 2	:	Mr. Vijay Kumar Verma, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsels for the petitioner, opposite party no. 2 and learned counsel for the State.

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

The prosecution story, in brief, is that on 27.03.2019, during course of raid by the officers and employee of Electricity Department, this petitioner was found using electricity illegally by connecting *Toka* directly from main L.T. line in spite of



disconnection of electric line due to non-payment of electric bill and the Department seized the P.V.C. wire used by this petitioner for committing theft of electricity. Due to theft of electricity by this petitioner the Electricity Department suffers a loss to the tune of Rs. 56532/- and Rs. 8325 is due upon this petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. It is submitted that the petitioner is ready to deposit an amount of Rs. 32,428.00 (Rupees Thirty Two Thousand Four Hundred and Twenty Eight) only in the learned court below which shall be subject to result of the case.

On behalf of the State and opposite party no. 2, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, is directed to deposit an amount of Rs. Rs. 32,428.00 (Rupees Thirty Two Thousand Four Hundred and Twenty Eight) only in the learned court below which shall be subject to result of the case. On doing so,



let the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned C.J.M. Araria, in connection with Forbesganj P.S. Case No. 291/2019, G.R. No. 1076 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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