

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9112 of 2020

Arising Out of PS. Case No.-147 Year-2016 Thana- HATHAURI District- Muzaffarpur

SHASHI KUMAR SINGH Son of Late Parshuram Singh Resident of Village
and P.O. - Bhadai, P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. North Bihar Power Distribution Company Ltd., Muzaffarpur Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 06-12-2021 Heard Mr. Sanjay Kumar, learned Advocate for the petitioner and the learned counsel for the opposite party no. 2. The State is represented by Mr. Jai Narain Thakur, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Hathauri P.S. Case No. 147 of 2016 dated 22.12.2016 instituted for the offences under Section 379 of the IPC and 135 Electricity Act.

The petitioner is alleged to have committed theft of electricity, the quantum of which has been assessed as Rs. 45,000/-.

Learned counsel for the petitioner has pointed out that the electric connection is in the name of his daughter-in-law and on the day when the raid was



conducted, there was regular electric supply in such house.

The prayer for anticipatory bail of the petitioner was refused by the court below on the ground that the petitioner did not state categorically whether the place of raid belonged to him or to his daughter-in-law. The court below was also peeved by the fact that the petitioner was trying to take advantage of the old connection and later took a fresh connection in the name of his daughter-in-law.

Be that as it may, there is no supporting document or evidence indicating theft of electrical energy. What was the period when theft was committed and how the quantum of loss to the state ex-chequer has been assessed is not known.

Thus, it appears that the accusation in the FIR is absolutely vague.

For the vagueness of the accusation, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Electricity



Board, Tirhut Divisiion, Muzaffarpur in connection with
Hathauri P.S. Case No. 147 of 2016, subject to the
conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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