

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26985 of 2021

Arising Out of PS. Case No.-213 Year-2020 Thana- FATEHPUR District- Gaya

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NAND KUMAR VERMA @ NANDAN KUMAR VERMA S/O BHAGWAT
MAHATO VILLAGE-BHARE, P.S.-FATEHPUR, DISTRICT-GAYA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. GULSHAN NANDAN KUMAR S/O SRI BIJENDRA PRASAD
(ASSISTANT ELECTRICAL ENGINEER), VILLAGE-SAHOPUR, P.O-
PANDITGANJ, P.S.-KADIRGANJ, DISTRICT-PATNA ASSISTANT
ELECTRICAL ENGINEER ELECTRICAL SUUPLY SUB-DIVISIONAL
BAJIRGANJ,

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Indradeo Prasad, Adv.
For the Opposite Party/s	:	Mr.Surendra Kumar, APP
For the SBPDCL	:	Mr.Dr.Anand Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-12-2021 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case in connection with Fatehpur P.S. Case No.213 of 2020, registered for the offence punishable under Section 135 of the Electricity Act, 2003.

The allegation against the petitioner is of using of electricity illegally in his house. It is alleged that it was found from the PVC wire, accused has theft electricity and was using



the same for running 5 HP electric motor without paying the bills. In the inspection, a total of 3.819 kw of L.T.I.S.I.D. load was found in the said campus and thus, the Electricity Board is said to have undergone a loss of nearly Rs.3,16,431/-.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence as alleged ever took place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the petitioner has a valid electricity connection bearing consumer no.400005469001 dated 14.11.2014 and the consumer no. mentioned in the FIR is wrong. Petitioner is paying the electricity bills regularly but since the year, 2019, he is receiving wrong electricity bills, for which he has verbally complained before the Electricity board several times. Neither any prior notice has been given by the Board to the petitioner regarding any due bills nor his electricity supply has been disconnected. There is non-compliance of section 56 of the Electricity Act. Petitioner has no criminal antecedent, which is also mentioned in para-3 of the anticipatory bail application.

Learned counsel for the State as well as the learned counsel appearing for the Electricity Board opposed the prayer for



anticipatory bail by submitting that the petitioner has illegally used the electricity without paying the bills, for which the Board has suffered a loss of Rs.3,16,431/-. It is further submitted that earlier, an electricity connection was provided to the petitioner with consumer no.22730077072 and due to non-payment of bills amounting to Rs.58,516/-, it was disconnected on 25.06.2019. Thus, total loss suffered by the Electricity Board is Rs.3,74,947/-. Three phase wire cut and starter has been seized with the motor from the campus of the petitioner. Finding of Inspection/seizure report mentioned that line was disconnected on due of Rs.58,516/- on 25.06.2019. But unauthorized use of electricity has been found in the premises by using 5 HP electric motor for *atta chakki* mill with help of PVC wire directly connected from various LT Line. Hence, theft of electricity is established. The petitioner has also signed in the seizure list paper which is part of FIR. It is further submitted that the allegations levelled upon the petitioner is serious in nature, which has caused great financial loss to the Electricity Board, as such, petitioner may not be given the privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, since this is a matter of using electricity illegally, causing huge financial loss to the Electricity Board, I am not inclined to enlarge



the petitioner on anticipatory bail. The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

The instant anticipatory bail application is dismissed.

(Anjani Kumar Sharan, J)

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