

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73655 of 2019

Arising Out of PS. Case No.-78 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Vijay Kumar Mahto, aged about 42 years, male, S/o Late Bacheshwar Mahto,
R/o village- Deopura, P.S.- Naokothi, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director, North Bihar Power Distribution Company Limited,
Vidyut Bhawan, Patna Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh, Adv.
For the State	:	Mrs. Madhuri Lata, APP
For the O.P. No. 2	:	Mr. Ratan Pd. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 06-12-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his
arrest in connection with Naokothi P.S. Case No. 78 of
2019, dated 18.07.2019, instituted for the offences under
Sections 420 and 379 of the Indian Penal Code and Section
135 of the Electricity Act.



The accusation against the petitioner is of having committed theft of electric energy worth Rs. 2,00,000/-.

The petitioner has his own explanation.

It has been submitted on behalf of the petitioner that whatever was due against him with respect to his consumption of electric energy, that was paid. However, for the period that the electric line was not reconnected, the loss assessed and has ascribed and saddled upon the petitioner. It has further been submitted that the accusation against him is absolutely false.

Regard being had to the nature of accusation and taking into account the fact that the petitioner had been a *bona fide* customer of the electrical energy, he, in the event of his arrest or surrender before the learned Court below within a period of three weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Begusarai in connection with Naokothi P.S. Case No. 78 of 2019, subject to the conditions laid down under



Section 438(2) of the Cr.P.C.

However, for this order to become effective, it would be incumbent upon the petitioner to approach the concerned authority of electricity department to seek composition of the offence.

The Court below, before passing a final order, shall verify whether effort was made by the petitioner for composition of the offence and then only, shall pass order in accordance with law.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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