

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18822 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

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Raj Kumar Rai @ Raj Kumar Son of Gajendra Rai Resident of Village -
Bakhari Chowk, Near Shaw Mill, P.O.- Mirjapur, P.S.- Ahiyapur, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Deputy General Manager, North Bihar Power Distribution Company,
L.T. Bhagwanpur Chowk, Muzaffar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mazharul Hassan, Advocate
For the State	:	Mr. Nagendra Prasad, APP
For O.P. No.2	:	

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-08-2022 None appears on behalf of O.P. No.2.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Ahiyapur



P.S. Case No. 119 of 2022 registered for the offence under Section 135 of Electricity Act, 2003 and Section 379 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 12.02.2022.

The allegation against the petitioner is of theft of electricity, alleged to be of Rs.20,03,961/- (Rupees Twenty Lakh Three Thousand Nine Hundred Sixty One).

Learned counsel appearing on behalf of the petitioner submitted that present dispute took its shape in the year 2014 itself, where an unexplained and exorbitant bill was raised by O.P. no.2. It is submitted that petitioner had filed CWJC No. 21138 of 2014 challenging Ahiyapur P.S. Case No. 631 of 2014 and also Cr.W.J.C. No. 460 of 2020, where no counter affidavit has been filed till date and both writ petitions are pending before this Court for wider considerations. It is further submitted that the petitioner is regularly paying the electricity dues of his industrial premises since 2007. It is further submitted that the total loss of Rs.20,03,961/- (Twenty Lakh Three Thousand Nine Hundred Sixty One), is an imaginary value, without any basis, just to harass the petitioner. It is submitted that present false case has been lodged due to none fulfillment of illegal



gratification. It is further submitted that petitioner had also filed a Complaint Case No. 3019 of 2014 in the Court of learned Chief Judicial Magistrate, Muzaffarpur on 12.11.2014 for the alleged occurrence dated 05.11.2014 under Sections 323, 384, 120(B), 406, 420 and 477 of the Indian Penal Code, against the officials of O.P. no.2. It is also submitted that except two cases lodged by O.P. no.2, petitioner has clean antecedent. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as it appears that the local officials of the O.P. no.2 and petitioner are in inimical terms, for which case and counter case are available, where dispute is founded over manner of calculation of amount for electricity consumption coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ahiyapur P.S. Case No. 119 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge, Electricity, Tirhut N.B.P.D. Co. Ltd.,
Muzaffarpur/concerned Court, subject to the conditions as laid
down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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