

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18934 of 2022

Arising Out of PS. Case No.-494 Year-2021 Thana- GAYA KOTWALI District- Gaya

Md. Arif Anwar @ Arif Anwar Son Of Md. Anwar Hussain @ Late Banne Mian Resident Of Mohalla - House No.- 53a-4, K. B. Lane, River Side Road, Panchayati Akhara, P.S.- Kotwali, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar through The South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar, Advocate
For the SBPDCL	:	Mr. Dr. Anand Kumar, Advocate
		Mr. Rajan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-09-2022 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code and Section 135 of the Electricity Act.

It is a case of consumption of unauthorized electricity. The total loss calculated by the Electricity Company is Rs. 19,01,214/-.

It is submitted by learned counsel for the petitioner that in the commercial premises of the petitioner, the load was allowed by the Electricity



Company as 40 KW and the petitioner was according paying to the company. But due to pandemic COVID-19, the petitioner closed the commercial premises. However, since the commercial place of the petitioner is situated in densely populated areas, someone took advantage and connected the electricity connection illegally by token in Lt. Line.

However, the petitioner is ready to pay 25 percent of the loss incurred to the electricity company and in this respect, the petitioner agrees to pay Rs. 2,00,000/- to the Electricity Company before filing of the bail bonds. The petitioner also agrees to pay rest amount of Rs. 2,60,000/- within a period of two months in two equal installments.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on provisional anticipatory bail for a period of three months, on



furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, Electricity Court, Magadh Division, Gaya in connection with Kotwali P.S. Case No. 494 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned Court below on showing receipt of Rs. 2,00,000/- paid in favour of Electricity Company by the petitioner.

The provisional anticipatory bail of the petitioner shall be confirmed by the learned Court below on deposit of total amount as agreed by the petitioner.

(Sunil Kumar Panwar, J)

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