

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39202 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- HALSI District- Lakhisarai

Ramchandra Sah @ Ramchandra Saw Son of Hanuman Sah @ Hanuman Saw
R/o Village Purvibidha, P.S. & District Lakhisarai, Halsi At Present Resident
of Ward No.-30 Jakhrajsthan Court Area, P.S.- Kabaiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Vijay Kumar, Advocate
For the State	:	Mr. Dilip Kumar No.1, APP
For SBPDCL	:	Dr. Anand Kumar, Advocate
		Mr. Rajan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-11-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Halsi P.S. Case No.112 of 2022, registered for the offence punishable under Section 135 of the Electricity Act, 2003.

The petitioner is said to have used the electricity in his industrial campus by bypassing the meter and connected three illegal wire in main service line and caused the loss of government revenue to the tune of Rs.7,18,261/-.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail



application. It is further submitted that petitioner is a bona fide consumer and he has been paying energy bill on monthly basis and has deposited last energy bill in March, 2022 of Rs.8658/-. It is submitted that the authorities have not seized anything from the industrial premises of the petitioner. Learned counsel for the petitioner submits that the petitioner has not been given any notice, therefore, he could not appear before the concerned authority. Learned counsel for the petitioner further submits that the petitioner is ready to deposit 50% of the loss amount within a period of six months and file an appeal against the final assessment order.

Learned counsel appearing on behalf of South Bihar Power Distribution Company Limited filed a counter affidavit in which it is stated that the notice had been issued to the petitioner but he did not appear before the concerned authority.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Lakhisarai in connection with Halsi P.S. Case No.112 of 2022,



subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner shall not file appeal against the final assessment order within the stipulated period, the South Bihar Power Distribution Company Limited would be at liberty to move for cancellation of bail bond of the petitioner.

(Anjani Kumar Sharan, J)

Sanjay/-

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