

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48291 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

MD. SHAHNABAZ Son of Md. Salimuddin Resident of Village - Mir Feku Lane, Barahpura, P.S.- Ishakchak, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chairman, South Bihar Power Distribution Company, Patna, Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajive Ranjan Singh, Advocate
For the O.P. No.2	:	Mr. Ajay Kumar Gautam, Advocate
For the State	:	Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner undertakes to remove the defect (s), as pointed out by the office, within a period of four weeks.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 135 and 138 of the Bihar Electricity Act.

Petitioner is said to have caused loss of Rs.77618/- by using electricity without electric meter.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to enmity. The



allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the house of the petitioner is paternal property and no share division has been made, hence there is no question of liability arose against the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

However, the petitioner is ready to deposit the alleged loss amount of Rs.77618/- in the account of South Bihar Power Distribution Company, subject to final outcome of this case. It is further submitted that the petitioner will file an appeal under the Electricity Act.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail provisionally, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Ishakchak P.S. Case No. 53 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The learned court below is directed to confirm the bail



bond of the petitioner after filing an appeal under the Electricity
Act by the petitioner.

(Anjani Kumar Sharan, J)

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