

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19403 of 2023

Arising Out of PS. Case No.-758 Year-2022 Thana- DANAPUR District- Patna

Birendra Kumar Sharma Son of Sri Jagdish Prasad Sharma R/o Sultanpur,
Danapur P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Assistant Electrical Engineer Cum Assessee Officer, Electric Supply Sub Division, Danapur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Prasad, Adv. Mr. Binod Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, Adv.
For the O.P. No.2	:	Mr. Ajay Kumar Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2023 Heard learned counsel for the petitioner, learned
counsel for the O.P. No. 2 as well as learned APP for the State.

The petitioner apprehends his arrest in connection with Danapur P.S. Case No. 758 of 2022 corresponding to Special Case No. 1451 of 2022 registered for the offence punishable under Section 135 of the Indian Electricity Act, 2003.

A raiding team headed by Assistant Electrical Engineer, Electric Supply Sub-Division, Danapur, has conducted a raid in the premises of the petitioner and found that one Energy Meter (5-30 amp) is installed in his premises and he is obstructing the actual consumption by connecting a wire in



the service line prior to the meter thereby committing theft of electricity. It is alleged that loss caused to South Bihar Power Distribution Company Ltd. (SBPDCL) is Rs. 1,87,988/-, which is to be recovered from the petitioner.

It is submitted on behalf of the petitioner that the petitioner being *bonafide* consumer has all along been consumed electricity supply since 02.08.2009 after making adequate payment for the same and lastly he deposited the amount of Rs. 2498/- for the consumption of the electricity bill on 07.07.2022, the copy of which has been brought on record. He further submitted that from the Inspection-cum-Seizure Report, it appears that the seal of the energy meter installed in the premises of the petitioner was found intact and there is no allegation of tampering with the meter. He next submitted that so far the allegation of committing theft of electricity by connecting a wire in the main service line to the meter is concerned, there is no recovery of any wire which is said to have been connected in the service line prior to the meter. He also submitted that even as per the energy bill, it appears that the sanctioned load of the premises of the petitioner is 2 KW and it indicates the consumption of preceding 11 months and no abnormality of connection in service wire had ever been



reported/detected. The petitioner had also filed the Objection-cum-Reply to the Notice-cum-Provisional Assessment Bill and after having found wrong assessment, the final assessed bill has been reduced from Rs. 1,87,988/- to Rs. 1,02,289/-. However, that assessment has also been challenged by the petitioner. Further submission has been made that there is no incriminating material available on record constituting any offence under Section 135 of the Indian Electricity Act, 2003.

On the other hand, learned counsel for the SBPDCL submitted that on the objection filed by the petitioner, final assessment has been made and the petitioner is liable to deposit the amount of Rs. 1,02,289/-, but the same has not been deposited till date which shows the complicity of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the submissions made on behalf of the petitioner, coupled with the inspection-cum-seizure list, which suggests that seal is intact and there is no tampering in the meter above all there is no recovery of any wire, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Special Judge, PESU Area, Patna, in connection with Danapur P.S. Case No. 758 of 2022 corresponding to Special Case No. 1451 of 2022, **subject to payment of 10% of the final assessed bill**, and further subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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