

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25669 of 2023

Arising Out of PS. Case No.-64 Year-2022 Thana- SALIMPUR District- Patna

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1. KRISHNA RAI @ KRISHN RAI Son of Jhimilal Ray Resident of Village - Kaladiyara, P.S.- Salimpur, District - Patna.
 2. Jhimilal Rai @ Jhimi Rai Son of Kalicharan Ray Resident of Village - Kaladiyara, P.S.- Salimpur, District - Patna.
 3. Bisnoj Kumar Son of Krishna Rai @ Krishn Rai Resident of Village - Kaladiyara, P.S.- Salimpur, District - Patna.

... .. Petitioner/s

Versus

South Bihar Power Distribution Company Ltd. Through Arvind Kumar,
Assistant Electrical Engineer, Electric Supply sub Division, Bakhtiyarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
Ms.Usha Kumari Singh
For the Opposite Party/s : Mr. Ajay Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-07-2023
1. Heard learned Counsel for the petitioners and learned Counsel for the South Bihar Power Distribution Company Limited.
 2. This application, for grant of anticipatory bail, arises out of Salimpur Police Station Case No. 64 of 2022, dated 27.04.2022, disclosing offences punishable under Sections 341/323/353/379 of the Indian Penal Code and Section 135 of the Electricity Act.
 3. The prosecution case, as per the First Information Report registered on the basis of the written report of the Assistant Electrical Engineer, Electric Supply Sub-



Division, Bakhtiyarpur, is that on 27.04.2022, he got information of theft of electricity and after constituting raiding team, he arrived at the place of occurrence and found that a flour mill was being run without any electric meter and the petitioner no. 1 was indulged in the theft of electricity and was running the flour mill with the help of wire hooked in the AB Cable. The total lost of electricity caused to the South Bihar Power Distribution Company Limited has been assessed by the informant at Rs. 3,87,991/-. It has further been alleged that when the wire was being seized, the accused persons protested and obstructed the informant in discharge of his official duties.

4. Learned Counsel for the petitioners submits that without being prejudiced to his right and contention, the petitioner is ready to pay the loss of electricity, which has been determined to the tune of Rs. 3,87,991/- in five equal monthly instalments. He further submits that under Section 152 of the Electricity Act, the offence alleged against the petitioners under Section 135 of the Electricity Act is compoundable.
5. Learned Counsel for the South Bihar Power Distribution



Company Limited has got no objection if the anticipatory bail application of the petitioners is considered on payment of entire loss amount of the South Bihar Power Distribution Company Limited in five equal monthly installments.

6. In view of the submissions made by the parties, I am inclined to grant the petitioners privilege of anticipatory bail, subject to the condition that the petitioner shall pay a sum of Rs. 3,87,991/- in five equal monthly instalments and the first instalment shall be paid by the petitioner within a period of four weeks from today and will produce the receipt showing payment of the first instalment at the time of their surrender before the District Court.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, PESU, Patna, in connection with Salimpur Police Station Case No. 64 of 2022, subject to



the condition laid down under Section 438 (2) of the Code of Criminal Procedure, with further condition that the petitioners shall pay the sum of Rs. 3,87,991/- in five equal monthly instalments. If the petitioners default in the payment of any of the instalment, the informant shall be at liberty to take steps for cancellation of bail in accordance with law.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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