

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29850 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- GOH District- Aurangabad

RAM NANDAN SHARMA @ RAMANAND SHARMA, Son of Gaya Sharma, Resident of Village - Sagarpur, P.S.- Goh in the district of Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Managing Director, South Bihar Power Distribution Company Ltd. Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Sunil Kumar, Advocate Ms.Surpiya Kumari, Advocate
For the State	:	Mr.Humayou Ahmad Khan, APP
For S.B.P.D.C.L.	:	Mr.Ajay Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 1. Heard learned counsel for the petitioner and learned APP for the State of Bihar, as well as learned counsel for South Bihar Power Distribution Company Ltd. (hereinafter referred as “Company”).

2. The petitioner is apprehending his arrest in connection with Goh P.S. Case No. 33 of 2023 registered for offence under Section 135 of Electricity Act.

3. Bypassing the installed meter, it is alleged that 5H.P. load was connected by the petitioner to the electrical connection and as a result, there is an allegation of causing loss of Rs. 1,58,474/- (One lakh fifty-eight thousand four hundred



seventy-four rupees) to the respondent-Company.

4. Learned counsel for the petitioner submits that the petitioner has been implicated falsely, based on extraneous consideration, which is obvious from the delay in lodging of the case, which has been done one day after the alleged discovery of illegal connection. The petitioner is a *bona fide* consumer and has been paying his dues which is evident from Annexure-2. The petitioner has clean antecedents.

5. Learned APP for the State as well as learned counsel for the respondent-Company have opposed the prayer for bail.

6. Considering the rival submissions, delay and clean antecedents of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, 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 bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Electricity), Magadh Area, Gaya, in connection with Goh P.S. Case No. 33 of 2023, subject to the conditions as



laid down in Section 438(2) of the Code of Criminal Procedure
as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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