

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50485 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- SAUR BAZAR District- Saharsa

SACHIN YADAV @ SACHINDRA YADAV S/O YADUNANDAN YADAV
R/O VILLAGE- PIPRA, WARD NO. 01, PS. SOUR BAZAR (PATARGHAT
O.P), DIST. SAHARSA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. THE NBPDCCL THROUGH JUNIOR ELECTRICAL ENGINEER,
ELECTRIC SUPPLY SECTION, PATARGHAT, SOUR BAZAR BIHAR,
DIST- SAHARSA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar
For the Opposite Party/s	:	Mr. Ram Anurag Singh
For the NBPDCCL	:	Mr. Lokesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-08-2023 Heard the parties.

2. Learned counsel appearing on behalf of the NBPDCCL
filed a counter-affidavit in the Court. Let the same be accepted
and kept on record.

3. The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 135 of the Indian
Electricity Act.

4. The allegation against the petitioner is that he was
stealing electric energy of 3906 KW electrical load in his poultry
farm, due to which the NBPDCCL suffered a loss of
Rs.2,23,969/- in total.



5. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. There is no specific overt act against the petitioner. He submits that the petitioner is ready to file an appeal in the concerned Department. Petitioner has no criminal antecedent.

6. Learned APP for the State as well as learned counsel for the NBPDCCL opposed the prayer for anticipatory bail. It is submitted by learned counsel for the NBPDCCL that after inviting objection from the petitioner, the revenue loss has been reassessed as Rs.1,18,041/- and energy dues Rs.4881, in total Rs.1,22,922/-, which is apparent from the para-7 of the counter-affidavit.

7. The petitioner is directed to file an appeal in the concerned Department within a period of four weeks from today.

8. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on *provisional* bail for a period of two months from today, 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 Sour Bazar (Patarghat O.P) P.S. Case No.129 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. However, the *provisional* bail of the petitioner shall be confirmed by the learned Court below after satisfying that the petitioner has filed an appeal in the concerned Department.

10. This application is, accordingly, disposed of.

(Anjani Kumar Sharan, J)

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