

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54022 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- BIHARIGANJ District- Madhepura

MAHENDRA MAHTO SON OF LATE SUKHDEO MAHTO R/O
VILLAGE- BIHARIGANJ, P.S.- BIHARIGANJ, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in connection with Bihariganj P.S. Case No. 28 of 2022 for the offence registered under Sections 135 of the Electricity Act.

As per the prosecution story, the Electricity Officers raided the premises of the petitioner and found him committing theft of electricity illegally in a meter which was in the name of his mother Smt. Kisu Devi's. The Electricity Department calculated the amount as Rs.72, 520/- and accordingly, the FIR.

Learned counsel for the petitioner submits that it is a joint family and the meter was in the name of his mother but he has wrongly been implicated in this case. He further submits that since a case has been registered against him, without



accepting the allegation, he is ready to clear the amount of Rs. 72,520/- with the condition that he will visit the Electricity Department and get the same calculated and if it is found by the Electricity Department that it has taken excess amount from him the same shall be refunded or adjusted in the subsequent bills.

Learned APP for the State opposes the prayer for anticipatory bail and submits that it is a case of theft of electricity by the petitioner and as such, he does not deserve bail.

Taking into account the fair submission put forward by the learned counsel for the petitioner, this Court is inclined to extend him the benefit of anticipatory bail subject to payment of Rs. 25,000/- at the time of the execution of bail bond and the rest amount of Rs. 47,520/- in next two months i.e. next installment of Rs. 24,000/- by 28th of February, 2023 and the rest amount of Rs. 23,520/- by 31st of March, 2023. Any amount that he has deposited shall be deducted from the said amount. Further, he will be sitting with the Electricity Officials and will do the needful as stated above.

If however, the petitioner fails to abide by the direction and/or default in payment of the amount as stated above, the Electricity Department will be free to take recourse



for cancellation of his bail.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 28 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/ Neha -

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