

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56052 of 2023

Arising Out of PS. Case No.-368 Year-2022 Thana- GOH District- Aurangabad

Mandat Sharma S/O- Nagina Sharma R/O Village Nadain PS Goh District
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Opposite Party/s : Mr.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Goh PS Case No. 368 of 2022, dated 14-12-2022, registered for the offence punishable under Section 135 of the Indian Electricity Act, 2003.

3. The petitioner's premises has been raided on 12-12-2022, where it is alleged that the inspecting team has found unauthorized use of electricity in excess of the sanctioned load and bypassing of meter. The alleged loss is Rs. 1,58,474/-.

4. It is submitted by the petitioner's counsel that from the inspection report, it is obvious that the allegations made in



the First Information Report (for brevity 'FIR') are not corroborated by the inspecting team which has merely stated (unauthorized use of electricity). The petitioner is a *bona fide* consumer and has deposited the *bona fide* amount outstanding. His liability in respect of the alleged loss would be considered in the appropriate proceedings. The petitioner, who has no antecedent, is running a small unit at the industrial area.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of inspection report and the clean antecedent, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail is allowed.

7. 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 PS Case No. 368 of 2022, dated 14-12-2022, subject to the conditions as laid down in Section 438(2) of the Code of



Criminal Procedure with 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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