

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67040 of 2022

Arising Out of PS. Case No.-375 Year-2019 Thana- AKBARPUR District- Nawada

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ADITYA PANDEY Son of Ayodhya Pandey Resident of Village- Paijuna,
P.S.- Akbarpur, Paharpur, Nawada, Bihar-805126. Petitioner/s
Versus

1. The State of Bihar
2. The Junior Electrical Engineer, Akbarpur, Nawada, South Bihar Power Distribution Company Ltd. Bihar

... .. Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Rajan Prakash, Advocate
For the O.P. No.2 : Mr. Ajay Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-02-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code and Section 135 of the Electricity Act, 2003.

The allegation against the petitioner is that he was consuming energy directly from the L.T. line and, accordingly, caused loss of Rs.3,17,450/- to the government exchequer.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case with a view to extort money. It is further submitted that the petitioner is a farmer and used to cultivate his lands to run his livelihood. The alleged



flour mill is a non-electrical engine and runs on diesel. It is further submitted that the petitioner has four brothers entered into a partition of their ancestral property and the said flour mill comes under the share of his brother Ganesh Pandey, who lives out of the town for his livelihood. It is also submitted that no description or boundary of the alleged premises has been described and as such the informant wrongly stated in the FIR that the said premises belongs to the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned counsel for the opposite party no.2 opposed the prayer for bail.

However, petitioner is ready to deposit 25% of the aforesaid alleged demand of Rs.3,17,450/- in the Nazarat of the learned Court below within three months, subject to final outcome of the present case.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, 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 Akbarpur P.S. Case No. 375 of 2019,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

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