

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5671 of 2023

Arising Out of PS. Case No.-37 Year-2021 Thana- SANGRAMPUR District- Munger

ARBIND LAHERI Son of Ram Bilash Laheri R/v- Kusmar, P.O. and P.S.-
Sangrampur, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Junior Electrical Engineer, Electrical Supply Division, Sangrampur, District
Munger.

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr. Kalyan Shankar, Advocate
For the State	:	Mr. Mithlesh Kumar Khare, APP
For the S.B.P.D.C.L.	:	Mr. Ajay Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-08-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the South Bihar
Power Distribution Company Limited (S.B.P.D.C.L.)

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 135 of the
Electricity Act, 1935.

3. The allegation against the petitioner is that his
household connection was disconnected and he was committing
theft from the connection of the shop and, accordingly, caused
loss to Rs.1,58,309/- to the S.B.P.D.C.L.

4. 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 due to mala fide



intention. It is further submitted that this false case has been lodged by the informant to realize the balance bill against service connection which is illegal under Section 56 (1) (2) of the Electricity Act, 2003. It is further submitted that the petitioner complained to the department regarding wrong bill and demanded correct bill but department failed and to hide the neck has lodged this false and frivolous case against the petitioner. It is further submitted that no seizure list was furnished to the petitioner or his family members in utter violation of provisions of Cr.P.C. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned counsel for the S.B.P.D.C.L. submitted that as there is provision of appeal under the Electricity Act, hence the petitioner may be directed to file an appeal before the appropriate forum.

6. Petitioner is directed to file an appeal before the appropriate forum within a period of four weeks after furnishing his provisional bail bond.

7. Having regard to the facts and circumstances of the case, let the above named petitioner, be released provisionally 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 Sangrampur P.S. Case No. 37 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. The learned Court below is directed to confirm the bail bond of the petitioner after satisfying himself that the petitioner has filed the appeal, as aforesaid.

(Anjani Kumar Sharan, J)

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