

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4190 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- MEHANDIA District- Jehanabad

Fulendra Kumar Son of Vinay Kumar R/o vill - Jay Bigha, P.S. - Mehendiya,
Distt. - Arwal Petitioner/s

Versus

1. The State of Bihar
2. Sri Imran Ansari Son of Gul Mohammad Ansari R/o vill - Patiyan, P.O. - Nahauna, P.S. - Sasaram, Distt. - Rohtas, Presently posted as Assistant Electrical Engineer, South Bihar Power Distribution Company Ltd., Electric Supply Division, Kaler, Distt. - Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the O.P. No.2	:	Mr. Ajay Kumar Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Shailesh Kumar, learned counsel for the petitioner: Mr. Shyam Kumar Singh, learned APP for the State and Mr. Ajay Kumar Gautam, learned counsel for the O.P. No.2.

2. The petitioner apprehends his arrest in connection with Mehendiya P.S. Case No. 172 of 2023 registered for the offences punishable under Section 135 of the Indian Electricity Act, 2003.

3. The prosecution case, in brief, is that the Assistant Electrical Engineer along with other Members of the Raiding Party, conducted raid in the commercial premises of the petitioner and found that he is indulged in consuming electricity illegally by meddling the service wire before the meter whose load was found to be 6 HP, thereby causing loss of Rs. 2,35,375/- to the South Bihar Power Distribution Company



Limited (for short “the SBPDCL”).

4. It is submitted on behalf of the petitioner that apart from the fact that the petitioner is a boy of tender age and handicapped person, who earns his livelihood by running Aata Chakki and Oil Chakki, this is also the fact that he is a bonafide consumer and has been paying the electricity bill and even before the occurrence he had paid the bill in the month of July, 2023, for an outstanding amount of Rs.2,574/- for the month of June, 2023. Further submission has been made that on account of some dispute with the member of the Raiding Party, the present FIR has been instituted. Moreover, the seizure list also does not suggest that any incriminating material has been recovered, barring the energy meter and some electric wire. He next submitted that the petitioner bears no criminal antecedent and he is ready to cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State, and the learned counsel for the O.P. No.2, submitted that during inspection of the industrial premises of the petitioner, it was found that the petitioner was using electricity in his industrial premises directly by hooking a wire from the main service wire and thus a case of theft of electricity under Section 135 of the



Electricity Act, 2003 is made out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that no incriminating material, except the wire and the energy meter found from the place of occurrence, apart from the fact that petitioner is bona fide consumer paying regular electricity bills and his undertaking given before this Court that he will fully cooperate in the investigation or in any proceeding initiated by the SBPCDL, coupled with the tender age and fair antecedent, 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 four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Electricity), Magadh Area, Gaya in connection with Mehandiya P.S. Case No. 172 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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