

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4642 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- TELHARA District- Nalanda

Pushpa Raj Purushottam @ Pushpa Raj Kumar @ Munna Kumar S/O
SHRAWAN MAHTO @ SATYENDRA PRASAD VILLAGE- PURA,PS.
TELHARA DIST. NALANDA.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. PAPPU KUMAR, THE ASSISTANT ELECTRICAL ENGINEER,
ELECTRIC SUPPLY SUB-DIVISION, EKANGARSARAI BIHAR,
NALANDA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Adv.
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP.
Mr. Ajay Kumar Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-02-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 353, 504, 506 of the Indian Penal Code and Section 135 of Electricity Act, 2003.

3. Allegedly, petitioner is said to have committed theft of electricity which caused financial loss to the tune of Rs. 2,02,141/- to the South Bihar Power Distribution Company Limited.

4. It is submitted by learned counsel for the petitioner



that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He is a bona fide consumer of South Bihar Power Distribution Company Ltd. At the alleged time, he was running thresher of 5 H.P. Motor for cutting of wheat crops for which he has valid meter and he used to deposit the electricity bills time to time. He has been made accused in the present case due to non-fulfillment of illegal demand made by the raiding party. It is further submitted that the petitioner wants to file an appeal against the final assessment order. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the South Bihar Power Distribution Company Limited opposes the prayer for bail. Learned counsel for the South Bihar Power Distribution Company Limited submits that the final assessment order has been passed and petitioner has not challenged the order of final assessment, therefore, the order is now final and the petitioner is liable to pay the entire loss amount.

6. Having regard to the facts and circumstances of the



case in order to enable the petitioner to file an appeal against the assessment order before the competent authority, let the above named petitioner, be released on **provisional bail** for a period of four weeks 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 Telhara P.S. Case No. 41 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The provisional bail of the petitioner shall be confirmed by the learned Court below after filing of an appeal against the assessment order before the competent authority within four weeks by the petitioner.

(Anjani Kumar Sharan, J)

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