

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11239 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- GOH District- Aurangabad

-
1. BIRENDRA SINGH @ BIRENDRA KUMAR SINGH SON OF LATE MUNDRIKA SINGH R/O-JUGHARPUR, P.S.-GOH IN THE DISTRICT OF AURANGABAD
 2. PHEKAN RAM @ FEKAN RAM SON OF KULDEEP RAM R/O-JUGHARPUR, P.S.-GOH IN THE DISTRICT OF AURANGABAD
 3. RAJENDRA KUMAR @ RAJENDRA SINGH SON OF BIRENDRA YADAV R/O-JUGHARPUR, P.S.-GOH IN THE DISTRICT OF AURANGABAD
 4. AWADHESH SINGH SONOF RAM LAGAN SINGH R/O-RAMPUR, P.S.-GOH IN THE DISTRICT OF AURANGABAD

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. THE MANAGING DIRECTOR SOUTH BIHAR POWER DISTRIBUTION COMPANY LTD., PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar, Adv.
For the Informant		Mr. Ajay Kumar Gautam, Adv.
For the State	:	Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Goh P.S. Case No. 285 of 2023 registered for the offences punishable under Section 135 of Indian Electricity Act, 2003.

3. As per prosecution case, on 16.08.2023 a



raiding team conducted raid against the prevention of power theft in the agricultural premises of above named petitioners and recovered one motor and LED bulb without having any valid connection of electricity from premises of each of the petitioners. It is alleged that South Bihar Power Distribution Company Limited, Patna suffered revenue loss of Rs. 1,03,620/-, Rs. 34,020/-, Rs. 67,625/- and Rs. 68,025/- due to illegal act of petitioner nos. 1, 2, 3 and 4 respectively.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case with mala fide intention and whimsical attitude of the informant (Assistant Electric Engineer). Petitioners bear no criminal antecedent. Basically, no incriminating article has been recovered from the premises of the petitioners to show that theft of electricity was going on. Seizure list indicates that all the witnesses are members of raiding party which is clear cut violation of statutory provision of law. However, learned counsel for the petitioners undertakes that



petitioners shall pay 20% of the loss of revenue occurred to South Bihar Power Distribution Company Limited as penalty and the same shall be deposited by the petitioners before Electric Sub-division Office, Goh, District-Aurangabad.

5. Learned counsel appearing for South Bihar Power Distribution Company Limited, Patna and the learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Electricity), Magadh Area, Gaya in connection with Goh P.S. Case No. 285 of 2023, subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

7. Petitioners shall abide by the submission made above in respect of payment of 20% of loss of revenue as penalty.

8. With the above observation, the application stands disposed of.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

