

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23392 of 2024

Arising Out of PS. Case No.-231 Year-2022 Thana- SIKARHATTA District- Bhojpur

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Ajay Singh S/o Kameshwar Singh Ro chakiyan, PS Piro, Dist Bhojpur, Bihar-802207

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Managing Director, South Bihar Power Distribution Company Limited,
Second Floor, Vidyut Bhawan Bailey Road 800001

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anshuman Singh
For the State	:	Mr. Ram Sevak Choudhary
For the O.P.2	:	Mr. Ajay Kumar Gautam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-05-2024 Heard learned counsel for the petitioner, who appears in virtual mode, learned A.P.P. for the State and learned counsel appearing on behalf of opposite party no. 2 / South Bihar Power Distribution Co.Ltd. (for short “Company”).

2. The petitioner apprehends his arrest in Sikarahata P.S. Case No. 231 of 2022, registered for the offence under Section 135 of the Bihar Electricity Act.

3. On a secret information, a raid was conducted in the industrial premises of this petitioner and it was found that the petitioner was committing theft of electricity in his premises and on account of which, the electricity department suffered a loss of Rs. 4,37,558/-. It is further alleged that there is also due of Rs. 18,692/- of the electricity department against this



petitioner.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and no such occurrence, as alleged in the F.I.R., took place. Petitioner is a *bona-fide* consumer of the Company and he pays all the bills on time and he has paid last bill of Rs. 5,000/- on 30.11.2022. As a matter of fact, on the alleged date and time of occurrence, petitioner had gone to participate in a marriage party of his close relative and in his absence, the personnel of the Company handed over the aforesaid false bill to his daughter. Petitioner claims clean antecedent. Learned counsel for the petitioner, while relying on a decision of this Hon'ble Court dated 21.08.2013 passed in Cr.Misc. No. 16725 of 2013 (*Biran Singh vs. The State of Bihar*), submits that in a similar matter, this Court has extended the privilege of anticipatory bail and as such, the petitioner may also be granted anticipatory bail.

5. Learned A.P.P. for the State and learned counsel for opposite party no. 2 vehemently opposed the prayer for anticipatory bail and submitted that in paragraph – 2 of the case diary, the petitioner, in his re-statement, has confessed his guilt, whereas, in paragraph 3 to 5 of the case diary, some witnesses have supported the prosecution case.



6. Having heard the submissions made on behalf of the parties and materials available on record, this Court is of the view that there is specific and direct allegation against this petitioner of committing theft of electricity. The raiding party has found that petitioner was running his flour mill and rice mill by consuming electricity in Bypass manner.

7. So far as reliance placed by the petitioner in the case of **Biran Singh (supra)** is concerned, it has got no relevance with the present case. In the said case, thrust of accusation was against co-accused Ramkalesh Singh, who was found consuming electric energy unauthorizedly, and petitioner (Biran Singh) was only alleged to have snatched seized articles and damaged the vehicle and on this ground, this Court has granted anticipatory bail to the petitioner (Biran Singh).

8. Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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