

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26850 of 2024

Arising Out of PS. Case No.-375 Year-2023 Thana- BAHERA District- Darbhanga

Nitesh Kumar Chaudhary Son of Hari Mohan Chaudhary @ Harimohan
Chaudhari, Resident of Village- Makrampur, P.S.- Bahera, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2024 Heard Mr. Vikash Kumar Jha, learned counsel
appearing on behalf of the petitioner and Mr. Bhanu Pratap
Singh, learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Bahera P.S. Case No. 375/2023 registered for the offences
punishable under Section 135 of Electricity Act.

3. As per the allegation made in the FIR, the petitioner
was found unauthorizedly consuming electricity.

4. Learned counsel appearing on behalf of the
petitioner submitted that the allegation made in the FIR is on
the basis of the defective meter and at no point of time, the
Executive Engineer or any Meter Reader had detected the said
fault and the regular bills were raised as the meter of the
petitioner was not functional. The petitioner was expecting that



the same will be replaced and the bill will be raised on an average basis but instead of doing so the Executive Engineer admitting the fact that the meter was defective, illegally raised a total demand of Rs.91,030/- to be paid by the petitioner against his Consumer No.135208513068. It is next submitted that the meter was not sent for a scientific test to assess that the same was defective, which has been caused as a result of deliberate action of the authority. Learned counsel also submitted that the nature of case is such that the petitioner has remedy before the District Consumer Forum but in spite of the said fact, coercive action has been taken against the petitioner by the North Bihar Power Distribution Company Ltd.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that it is admitted fact that the meter was defective and it was required a scientific test and the petitioner has remedy before the District Consumer Form, I find it proper that in case the petitioner deposits a sum of **Rs.25,000/- (Twenty Five Thousand)**, the petitioner is directed to be released on pre-arrest bail in connection with Bahera P.S.Case No.375 of 2023 subject to conditions as laid



down under Section 438(2) of the Cr.P.C. and as the learned district court deems fit and proper well within a period of one month from the date of passing of this order and in case of failure, this order will lose its force.

7. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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