

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39795 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- MOUZAHDIPUR District- Bhagalpur

Raj Kumar Sinha, Son of Late Singeshwar Sinha @ Subeshwar Sinha,
resident of Village- Chhatpati Talab, Near Shiv Mandir, P.S- Mojahidpur,
Dist- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Mojahidpur P.S. Case No. 104 of 2024, registered for the offence under Section 135 of Bihar Electricity Act, 2003.

03. As per prosecution case, during raid in the commercial premises of the petitioner, it was found that there has been dishonest abstraction of electricity and a loss of Rs. 2,58,428/- was caused to South Bihar Power Distribution Company Limited on account of this theft. Apart from that it was also found that there was an outstanding due of regular bill for an amount of Rs. 28,693/-.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not present when the raid was conducted and theft was discovered. The petitioner has no concern with direct theft of the electricity as he has let out the premises on rent to some private party and there has been a previous electricity connection in the premises and Rs. 28,693/- is due against the said connection. The petitioner is made accused in this case merely because of the fact that he is the owner of the premises. Learned counsel further submits that the petitioner is ready and willing to make the payment of the theft bill amount in easy installments. The petitioner has got no criminal history.

05. Learned counsel appearing on behalf of South Bihar Power Distribution Company Limited though opposes the submissions made by learned counsel for the petitioner but further submits that if the petitioner is ready to make the payment of theft amount in installments, the South Bihar Power Distribution Company Limited would have no objection.

06. Having regard to the facts and circumstances and submission made on behalf of the parties, the prayer for anticipatory bail of the petitioner is allowed.



Let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/concerned court in connection with Mojahidpur P.S. Case No. 104 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) Subject to further condition that the petitioner will make payment of theft bill amount of Rs. 2,87,121/- in six equal monthly installments. First installment shall be paid on or before 1st July 2024 and subsequent installments will be paid on or before 7th day of each month.

(Arun Kumar Jha, J)

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