

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41266 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- GOH District- Aurangabad

=====

Birendra Yadav S/o Rajdeo Singh R/o Village-Neyamatpur,P.S- Goh, District-
Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Executive Enginner, Electric Supply Division, Daudnagar, Aurangabad
Under South Bihar Power Distribution Company Ltd. Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel appearing on behalf of the

South Bihar Power Distribution Company Ltd.

2. The petitioner apprehends his arrest in connection
with Goh P.S. Case No. 95 of 2023 instituted under Section 135
of the Indian Electricity Act, 2003.

3. As per the prosecution case, on 15.03.2023, the
raiding party conducted raid in the premises of the petitioner
where electricity connection as consumer was found but the
petitioner was consuming electrical energy illegally by
connecting with three phase and operating induction motor of
load 5 H.P. due to which the South Bihar Power Distribution



Company Ltd. sustained a loss of Rs. 1,58,474/- and outstanding dues amount is 45, 317 and thus, total amount due is 2,03, 791/- .

4. Learned counsel for the petitioner submits the petitioner is innocent and has been falsely implicated in this case on the basis of suspicion and due to raising the objection with respect to outstanding amount. Except the 20 feet white colour wire and 3 feet blue colour wire, nothing has been recovered from the premises of the petitioner. It is further submitted that there is violation of statutory provision of law with respect to the raid conducted on the premises of the petitioner. Learned counsel for the petitioner undertakes that the petitioner shall pay 20 per cent of the total outstanding amount of Rs. 2,03,791/-

5. Learned A.P.P. for the State and learned counsel for the South Bihar Power Distribution Company Ltd opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount to each to the satisfaction of the learned Special Judge (Electricity), Magadh Area, Gaya/ Concerned Trial Court in connection with Goh P.S. Case No. 95 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, subject to payment of 20 percent of Rs. 2,03,791/- with O.P. No. 2 within a period of six weeks.

(Sunil Dutta Mishra, J)

Jagdish/-

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

