

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54900 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- GOPALPUR District- Bhagalpur

AJIT KUMAR SHARMA S/o Dip Narayan Sharma R/o Village-Ajamabad,
P.O.-Bhimdas Tola, P.S.-Gopalpur, Dist.-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The Electricity Department, South Bihar Power Distribution Co. Ltd. Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Davendra Kumar Pandey, Advocate
For the State	:	Mr.Rajendra Prasad Nat, APP
For the O.P. No.2	:	Mr.Shrekant Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-02-2024 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 135 of Electricity Act, 2003.

3. Allegedly the petitioner is said to have been found indulged in theft of electricity, due to which the department has suffered loss of Rs.413466/-.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. It is submitted that the petitioner has not received any notice from the Authority when the final assessment was going on. Petitioner has one criminal antecedent.

5. Learned counsel for the South Bihar Power Distribution



Company Ltd. Submits that when the final assessment was conducted by the Authority, neither the petitioner has appeared nor he challenged the order of final assessment, therefore, the order is now final and the petitioner is liable to pay the entire loss amount.

6. Having regard to the facts and circumstances of the case, in order to enable the petitioner to file an appeal against the assessment order before the competent Authority, let the above named petitioner, be released on **provisional bail** for a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Gopalpur P.S. Case No.89 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The provisional bail of the petitioner shall be confirmed by the learned court below after ascertaining that the petitioner has filed an appeal against the assessment order before the competent Authority within the stipulated period.

(Anjani Kumar Sharan, J)

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