

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50211 of 2024

Arising Out of PS. Case No.-225 Year-2023 Thana- GAMAHAIRIYA District- Madhepura

Pawan Kumar S/o- Shiv Narayan Yadav, R/O Village- Piprahi W.No-5, PS-
Gamhariya Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. North Bihar Power Distribution Company Ltd. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha, Advocate
For the Opposite Party/s	:	Mr.Braj Kishore Pd.(APP)
For O.P.No.2	:	Mr.Shrekant Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-10-2024 Heard Mr. Nafisuzzoha, learned counsel appearing on behalf of the petitioner; Mr. Braj Kishore Prasad, learned APP for the State and Mr. Shrekant Sharan Singh, learned counsel for O.P.No.2.

2. Petitioner seeks pre-arrest bail in connection with Gamharia P.S.Case No.225 of 2023, registered for the offences punishable under Section 135 of the Bihar Electricity Act, 2003.

3. As per the allegation made in the FIR, the petitioner was made accused for having indulged in using electricity illegally.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has falsely been implicated in the present case. He further submitted



that the petitioner is ready to deposit 1/3rd of the total amount of the penalty, as assessed by the Electrical Executive Engineer. The petitioner has clean antecedent and no custodial interrogation is necessary. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the O.P.No.2 (North Bihar Power Distribution Company Ltd.) submitted that subject to final assessment as to the revenue loss suffered by the Power Holding Company, allegedly due to the theft of the electricity and the receipt to that extent is filed in the court to be taken on record, on these grounds, the petitioner can be released on pre-arrest bail.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and he has adopted the submissions made on behalf of O.P.No.2.

7. Having considered the nature of allegation and the materials on records, I am of the opinion that in this case, no custodial interrogation is necessary. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned J.M. Ist class, Madhepura/concerned court in connection with Gamharia P.S.Case No.225 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

8. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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