

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74510 of 2023

Arising Out of PS. Case No.-20 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

KRISHNA YADAV S/o Budhai Yadav Resident of Village-Parsawan, P.S.-
Magadh University, District-Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The South Bihar Power Distribution Co. Ltd. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Vinod Kumar, Adv.
For the Opposite Party/s :	Mr.Lakshmi Kant Sharma, APP
For the SBPDCL :	Dr.Anand Kumar, Adv.
	Mr.Rajan Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 135 of the Indian Electricity Act.

3. Allegedly, the petitioner was found indulged in illegally
consuming electric power with help of PVC wire by interrupting
the service wire before the meter, whose load was found to be
2.2238 kilowatt due to which the South Bihar Power
Distribution Company Limited sustained a loss of Rs.47,045/-.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to malafide



intention. It is submitted that the petitioner was then a ward member and in this capacity at his premises, Nal Jal Yojana Electric Meter connection has been fixed and he paid rent regularly and now he is not ward member and not using the said meter under the Nal Jal Yojana Scheme. Petitioner has no criminal antecedent.

5. Learned counsel for the South Bihar Power Distribution Company Ltd. submits that there is a provision under sub section(2) of section 126 of the Electricity Act that the consumer shall be entitled to file objections, if any, against the provisional assessment before the Assessing Officer but no such objection is on record in this case.

6. Learned counsel for the petitioner submits that the petitioner is ready to file an objection before the competent Authority against the provisional assessment, thereafter, he will file an appeal before the Appellate Authority against the final assessment order.

7. Having regard to the facts and circumstances of the case, since the petitioner is ready to file an Appeal, let the above named petitioner, be released on **provisional bail** for a period of six months from today, in the event of his arrest or surrender before the learned Court below within 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 Magadh University P.S. Case No.20 of 2022, 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 itself after verifying that the petitioner has filed the appeal before the Appellate Authority against the final assessment order.

(Anjani Kumar Sharan, J)

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