

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67998 of 2023

Arising Out of PS. Case No.-676 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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GAUTAM PASWAN Son of Chandri Paswan @ Chandeshwari Paswan R/o
vill - Dhanupra, P.S. - Simri Bakhtiyarpur, Distt. - Saharsa
... .. Petitioner/s

Versus

The State of Bihar Bihar
... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey
For the NBPDC	:	Mr. Ajay Kumar Gautam

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2024 Heard the parties.

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

3. There is allegation against the petitioner is of running unauthorized flour mill by cutting wire before the electric meter due to which NBPDC suffered a loss of Rs.4,61,609/-.

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. No such occurrence, in the manner as alleged, has ever taken place. There is no direct or indirect materials against the petitioner. Petitioner has deposited his entire electric bill with regard to the aforesaid electric



connection from time to time. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the NBPDCCL opposed the prayer for anticipatory bail. Learned counsel for the NBPDCCL submits that Assitant Electrical Engineer, Simri, Bakhtiyarpur has made final assessment of revenue loss and informed the petitioner but the petitioner never turned up and has not produced any evidence to support his version. He further submits that the said final assessment was done *ex-parte* as the petitioner was not present.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on *provisional bail* for a period of two months, in the event of his/her 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 Bakhtiyarpur (Kanaria O.P.) P.S. Case No.676 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, the petitioner is directed to file an appeal



before the concerned authority within one month and also the learned Court below is directed to confirm the *provisional bail* of the petitioner only after verifying that the petitioner has filed an appeal before the concerned authority.

(Anjani Kumar Sharan, J)

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