

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2250 of 2024

Arising Out of PS. Case No.-267 Year-2022 Thana- PALANWA District- East Champaran

Harun Mian @ Haroon Miya, Son of Late Alim Mian, Resident of Village-
Siswaniya, P.S. - Palanva, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Narayan Yadav, Advocate Mr. Masoom Alam, Advocate
For the Opposite Party/s	:	Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Suraj Narayan Yadav, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Palanwa P.S. Case No. 267 of 2022 registered for the offences punishable under Section 379 of the Indian Penal Code and Sections 126 and 135 of the Electricity Act.

3. The allegation against the petitioner is of availing electricity unauthorizedly bypassing and installing a change over switch in the service wire before the meter fixed on the flour mill of the petitioner, as a result of which, the North Bihar Power Distribution Company Limited (hereinafter referred to as 'the NBPDCCL') has sustained a loss of Rs.4,13,458/-.



3. It is submitted on behalf of the petitioner that the seizure list falsifies the entire prosecution case, as no changes over switch was found installed in service wire before the meter. That apart, the seizure list witnesses are non-else, but the Executive Engineer and other officials of the NBPDC. He further submits that the alleged flour mill, in question, does not belong to the petitioner and in fact the same was found closed. The petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that a huge loss has been caused to the NBPDC by committing theft of electricity through installing a change over switch in the service wire.

6. Regard being had to the submissions made on behalf of the parties and considering the patent defects in the search and seizure and the fact that flour mill does not belong to the petitioner, coupled with his fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand)



with two sureties of the like amount each to the satisfaction of learned Spl. Judge, Electricity, Tirhut Area, Muzaffarpur in connection with Palanwa P.S. Case No. 267 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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