

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.220 of 2024

Arising Out of PS. Case No.-739 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Kundan Kumar Son of Sri Ram Prasad Mandal R/o Vill-Biharipur P.S.-
Nathnagar Madhusudanpur Dist-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. The South Bihar Power Distribution Co. Ltd Through its Managing Director
Vidyut Bhawan Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Diwakar Upadhyaya, Adv.
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP
For the SBPDCL	:	Mr.Vinay Kirti Singh, Sr. Adv. Mr.Akhileshwar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner, learned Senior
Counsel for the SBPDCL 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. As per the prosecution case, in course of raid at the
premise of the petitioner, it was found that consumer
no.23420038412 was connected in the name of Smt. Reeta Devi
for electric connection but due to dues amount of Rs.3,79,503/-
of electric energy charges, her electric connection was
disconnection in December, 2017 but the consumer illegally was
consuming the electricity by adding wire to LT pole due to
which the SBPDCL suffered a loss of Rs.7,28,591/-.



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. It is submitted that in the alleged F.I.R., two bills were added and at present, allegation against the petitioner is that he theft the electricity, which has incurred loss to the Department of Rs.3,49,088/-. The petitioner is ready to deposit half of Rs.3,49,088/-, in round figure i.e. Rs.1,50,000/- in the SBPDCL department. It is further submitted that the petitioner is very poor and therefore, requests to deposit the said amount in installment. Petitioner has no criminal antecedent.

5. Learned Senior Counsel appearing for the SBPDCL has no objection.

6. Having regard to the facts and circumstances of the case, since the petitioner is ready to deposit Rs.1,50,000/- in the said department, let the above named petitioner, be released on **provisional bail** for a period of six weeks 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 Nathnagar (Madhusudanpur) P.S. Case No.739 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 itself on showing the receipt of deposit of the aforesaid undertaken amount in the South Bihar Power Distribution Company Limited within the stipulated period.

(Anjani Kumar Sharan, J)

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