

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12229 of 2025

Arising Out of PS. Case No.-134 Year-2024 Thana- MANIHARI District- Katihar

Maya Devi, W/O Bhagwat Mandal, R/O - Simartalla, Dilarpur, Ward No. 6,
P.S.- Manihari, Distt- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhijeet Kumar, J.E., Electricity Dept. Manihari, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Adv.
For the State	:	Mr. Yogendra Kumar Singh, APP
For the O.P. No. 2	:	Ms. Y. Madhavi, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 21-04-2025 Heard Sanjeev Kumar Singh, learned counsel for the petitioner, Mr. Yogendra Kumar Singh, learned APP for the State and Ms. Y. Madhavi, learned counsel for the O.P. No. 2.

2. The petitioner apprehends her arrest in connection with Manihari P.S. Case No. 134 of 2024 dated 15.06.2024 registered for the offence punishable under section 135 of the Electricity Act.

3. The main submissions advanced by learned counsel appearing for the petitioner are that the petitioner is a lady, she has not remained involved in theft of electricity prior to the alleged occurrence of the present FIR and as per the allegation, she was found using electricity illegally despite her electricity connection having been disconnected and in respect



of the alleged theft, a sum of Rs. 2117/- has been shown as loss to the electricity department but the petitioner has deposited Rs. 5000/- in the electricity department after registration of the present FIR. Though as per the FIR, a sum of Rs. 27075/- is said to be dues on the part of the petitioner in respect of her earlier electricity consumption relevant to the period when her electricity connection was active but in this regard, the petitioner has filed several representations by way of applications for reassessment of the said dues as the same has not been calculated by the electricity department in proper manner and till date, no decision has been taken by the aforesaid department on her applications (representations), however, the petitioner is ready to deposit Rs. 5000/- more against the dues amount on the condition that the said deposition will be subject of the final assessment and also will be adjusted in the dues which is found actually payable on the part of the petitioner.

4. On the other hand, Ms. Y. Madhavi, learned counsel appearing for the O.P. No. 2 has vehemently opposed the bail prayer of the petitioner and submits that the petitioner was found using electricity in illegal manner and there is dues of Rs. 27075/- on her part in respect of the consumption of electricity and further, a sum of Rs. 2117/- is also dues on her



part relating to theft of electricity and the petitioner should be directed to deposit at least 50% of the total dues amount i.e. 29192/- before giving the relief of anticipatory bail to her.

5. Learned APP for the State has also opposed the prayer of the petitioner.

6. In the facts and circumstances of this case as well as considering the aforesaid submissions and mainly the fact that the petitioner is a lady and as per the statement made in paragraph No. '3' of the petition, she has not remained accused in electricity theft in addition to the FIR of the present matter and further, she had deposited Rs. 5000/- in the electricity department after the registration of the FIR while only Rs. 2117/- has been shown as loss to the electricity department on account of the alleged theft, in my opinion, it is a fit case to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of her arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Manihari P.S. Case No. 134 of 2024, subject to the conditions as laid



down under Section 482(2) of the BNSS and further, on this condition that the petitioner shall deposit Rs. 5000/- more in the electricity department before furnishing the bail bond and submit the receipt of the payment before the trial court at the time of submitting the bail bond and only thereafter, her bail bond will be accepted but the said amount will be adjusted against the dues which will be found actually payable on the part of the petitioner after deciding her representations.

(Shailendra Singh, J)

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