

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37107 of 2025

Arising Out of PS. Case No.-81 Year-2024 Thana- BARABAR TOURIST District- Jehanabad

Sury Bhushan Sharma @ Chandra Bhushan Sharma @ Nepali Sharma S/O
Late Rajendra Sharma R/O Vill.- Bhaikh, P.s.- Makhdumpur, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Assistant Engg. Electric Supply Sub-Division, Makhdumpur, Jehanabad Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shivendra Prasad, Advocate
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP
For the Electricity	:	Ms. Aditya Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-09-2025 Heard Mr. Shivendra Prasad, learned counsel for the petitioner and Mr. Bharat Bhushan, learned APP for the State as also Ms. Aditya Sharma, for the South Bihar Power Distribution Company Ltd. (henceforth for short ‘the Company’).

2. The petitioner is apprehending arrest in connection with Barabar (Vishunganj) P.S. Case No. 81 of 2024 instituted under Section 135 of the Electricity Act lodged on 09.08.2024 by the informant, Rahul Kumar.

3. As per the prosecution story, the informant alleged that to examine the complaint of power theft, the authorities reached the premises of the petitioner and found him running floor mill by connecting three phase line without valid



connection. The amount of theft has been assessed as Rs. 3,51,510/- and this led to the FIR.

4. Learned counsel for the petitioner submits that exaggerated bill has been given, there was no such connection, he is a poor villager, is unable to pay the amount in one go. However, he would like to get a fresh bill from the office so that the same can be paid in equal installments, if 'the Company' allows him. The further submission is that to show his bona fide, he is ready to pay Rs. 1,51,510/- at the time of execution of bail bond, if granted relief.

5. Learned counsel for 'the Company' submits that after discovery of power theft, the amount was assessed which followed the FIR. However, if the petitioner is showing his bona-fide intention to pay the amount, the office shall be providing him a fresh bill in this regard.

6. Considering the submissions of the parties as also the fact that now the FIR is there, the petitioner shall be facing the music, is ready to pay Rs. 1,51,510/- at the time of execution of bail bond and further willing to pay the rest amount in equal installment, if a new bill is generated, this Court is inclined to extend him the privilege of anticipatory bail.

7. The petitioner after execution of bail bond, shall be



visiting the office of 'the Company' where after going through the records, 'the Company' shall be generating a fresh bill which the petitioner is duty bound to pay in six equal installments.

8. Failure to do so, 'the Company' shall be free to take recourse against the petitioner.

9. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Barabar (Vishunganj) P.S. Case No. 81 of 2024 to the satisfaction of learned Special Judge (Electricity), Gaya or successor court subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation



and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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