

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80221 of 2024

Arising Out of PS. Case No.-223 Year-2024 Thana- CHANDAUTI District- Gaya

Md. Aftab S/O Md. Hasan R/O Village - Kanadi Near Ashram, P.S -
Chandauti ,Distt -Gaya.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Electric Executive Engineer, Electricity Supply Division, Gaya Rural. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prakash Chandra Jha, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, Advocate
For the SBPDCL	:	Mr. Anand K Ojha, Sr. Advocate
		Mr. Shankar Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 28-04-2025 Heard learned counsel for the petitioner, learned
counsel for the South Bihar Power Distribution Company
Limited and learned Additional Public Prosecutor for the State.

2. The present application is for grant of anticipatory
bail, in connection with Chandauti P.S. Case No.223 of 2024 for
offences under Sections 135 of the Electricity Act, 2003.

3. The allegation upon the petitioner is that of
committing electricity theft on his industrial premises, a
calculation of the said amount of which has come to the tune of
Rs. 97,37,255/-.

4. Learned counsel for the petitioner submits that the
allegation of theft made against the petitioner is not correct and



no offence under Section 135 of the Electricity Act is made out against the present petitioner. Learned counsel further submits that for running the industrial business on the premises of the petitioner, a special transformer was put up by the Electricity Department which was purchased at the payment of cost by the petitioner. The full maximum capacity of the transformer is 63 kW and in such view of the fact, it is not possible that a theft of 110 kW could be made. The petitioner is a bona fide and ideal consumer of electricity, who makes regular payments against the consumed energy of electricity, which would be evident from Annexure-3 series.

5. The learned counsel appearing on behalf of the South Bihar Power Distribution Company Limited (for brevity 'SBPDCL'), submits that the amount in question which has been misappropriated is a huge one amounting to Rs. 97,37,255/-. It has been submitted that upon raid being done by the Electricity Department, it was found that electric circuit was connected after letting the meter by pass, by which supply of electricity energy was being stolen. It has further been submitted that neither an objection was initially filed on behalf of the petitioner nor any appeal has been filed against the final assessment order.

6. Taking in view the facts that the amount involved in



the present case is substantial and the petitioner has neither filed any objection nor any appeal and is also not agreeable on depositing any portion of the amount to show his bona fide. In such view of the matter, I am not inclined to grant the petitioner the privilege of anticipatory bail. The application is, thus, rejected.

(Soni Shrivastava, J)

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