

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1027 of 2025

Arising Out of PS. Case No.-578 Year-2024 Thana- FATUA District- Patna

Shambhu Kumar S/o Shiv Shankar Prasad R/o Bankipur Gorakh, Near Block,
Fatuha, Post- Fatuha, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. South Bihar Power Distribution Company Ltd. through its Assistant
Electrical Engineer, Electricity Sub-Division, Fatuha, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Anand, Advocate
For the Opposite Party/s	:	Mr.Yogendra Kumar, APP
For SBPDCL	:	Mr.Vivek Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 12-05-2025 Heard Mr.Vijay Anand, learned counsel for the

petitioner, Mr.Vivek Prasad, learned counsel for the South

Bihar Power Distribution Company Limited and Mr.Yogendra

Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Fatuha P.S.Case No.578 of 2024, FIR dated
24.08.2024 registered for the offences punishable under
Section 135 of Electricity Act.

3. As per prosecution case, petitioner is alleged to
have committed theft of electricity which caused a loss of Rs.
07,01,399/- (Seven Lacs One Thousand Three Hundred
Ninety Nine only) of the Government revenue.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Learned counsel for the South Bihar Power Distribution Company Limited, on the other hand, submits that there is a remedy available to the petitioner before the Settlement Committee and the petitioner may be allowed to appear before the Settlement Committee. Learned counsel for the South Bihar Power Distribution Company Limited does not object and further submits that the Settlement Committee shall decide the matter.

6. Considering the facts aforesaid and taking into consideration the provisions of the Settlement Committee which provide depositing of 25% of the claimed amount as a priority before the Settlement Committee. If the petitioner deposits the said amount, he may approach before the Settlement Committee. In view of the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released



on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, PESU Area, Patna in connection with Fatuha P.S.Case No.578 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned



order shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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