IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71261 of 2026

CNR No. BRHC011035152026

Arising Out of PS. Case No.-34 Year-2022 Thana- SHIVSAGAR District- Rohtas

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Jokhan Singh, male, aged about 50 years, Son of Ramnath Singh, Resident of Village- Tarna, P.S.- Shivsagar, District- Rohtas.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 28-10-2026 No one appears on behalf of the South Bihar Power Distribution Company Limited (SBPDCL), nor, the petitioner has chosen to implead the SBPDCL as respondent/s.

2. Heard Mr. Girish Chandra Jha, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned APP for the State.

3. The petitioner seeks pre-arrest bail in connection with Shivsagar P.S. Case No. 34 of 2022, registered for the offence punishable under Section 135 of the Bihar Electricity Act, 2003.

4. As per the allegation made in the FIR, an inspection of the premises of the petitioner was made by the Assistant Electrical Engineer, Power Supply Division, Sasaram (Rural)

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and the petitioner was found allegedly involved in commission of theft of electricity by bypassing his meter, which was in disconnected state from 04.10.2015 due to outstanding dues of Rs. 42,312/- out of which, only Rs. 20,002/- was deposited by the petitioner.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. He further submitted that from the seizure list it appears that no wire was found at the time of preparation of seizure list and in absence of illegal wire connected with the electricity, no case of theft of electricity is made out against the petitioner. Learned counsel further submitted that following the alleged fraud in the payment of the electricity bill, the total outstanding amount was assessed Rs. 42, 312/- out of which, the petitioner had deposited a sum of Rs. 20,002/- and he raises concern about the basis on which, the assessment has been made assessing total loss of Rs. 7,10,323/- to the South Bihar Power Distribution Company Limited (SBPDCL). On these grounds, petitioner seeks to be released on pre-arrest bail.

6. Learned APP for the State, referring to the manner in which the electricity theft was committed, submitted that the

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petitioner don't deserve to be released on pre-arrest bail, however, he submitted that the petitioner may avail the remedy as provided under the Bihar Electricity Act, 2003 relating to theft of electricity and proceed to compound the offence.

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, it is admitted that following the alleged fraud in the payment of the electricity bill, the total outstanding amount was assessed Rs. 42, 312/- out of which, the petitioner had deposited a sum of Rs. 20,002/- and only Rs. 22,310/- was remained outstanding and the electricity connection of the petitioner was discontinued on 04.10.2015 for the said default. On the basis of capacity of the meter being 10HP (8.29 KVA) relating to meter no. 22773335/10-60 Amp., a sum of Rs. 6,88,013/- has been assessed as fine for theft of electricity after disconnection of meter along with the outstanding dues of Rs. 22,310/- and total demand of Rs. 7,10,323/- has been raised. I find that the provisional assessment was conducted by the Assistant Electrical Engineer on 27.01.2022 and the FIR was lodged on 28.01.2022, just after a day, the inspection was made and the petitioner was not provided with the opportunity to deposit the amount. From the seizure list, it appears that no

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illegal wire for tapping the electricity after disconnection of meter was found at the time of preparation of seizure list, at the same time, the offence is compoundable.

8. Learned counsel for the petitioner, at this stage, submitted that the offence is compoundable and he is ready to deposit the amount if the authority concerned gets the reassessment done and, for which, final bill can be raised.

9.In view of the above facts and circumstances of the case, particularly the fact that the electricity connection of the petitioner was disconnected on 04.10.2015, out of the total outstanding dues of Rs. 42,312/-, the petitioner had already deposited a sum of Rs. 20,002/-, no illegal wire for unauthorised tapping of electricity was found at the time of preparation of the seizure list and the provisional assessment of Rs. 7,10,323/- was made just a day prior to institution of the FIR, coupled with the fact that the offence is compoundable, this Court is inclined to extend the privilege of pre-arrest bail to the petitioner.

10. Accordingly, the learned District Court is directed to enlarge the petitioner on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like

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amount each to the satisfaction of the learned District Court where the case is pending, in connection with Shivsagar P.S. Case No. 34 of 2022, subject to the condition as laid down under Section 482(2) of the BNSS.

11. The petitioner shall be at liberty to avail the remedy of compounding the offence in accordance with Section 152 of the Bihar Electricity Act, 2003, before the competent authority.

12. **The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

13. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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